

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HILTI AKTIENGESELLSCHAFT,)	
)	
Plaintiff,)	
)	C.A. No. _____
v.)	
)	TRIAL BY JURY DEMANDED
SPECIFIED TECHNOLOGIES INC.,)	
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiff, Hilti Aktiengesellschaft (“Plaintiff” or “Hilti”) files this Complaint for patent infringement and demand for jury trial against Defendant Specified Technologies Inc. (“Defendant” or “STI”), and alleges as follows:

NATURE OF THE ACTION

2. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. § 271, which gives rise to the remedies specified under 35 U.S.C. §§ 281 and 283-285.

THE PARTIES

3. Plaintiff Hilti is a corporation organized under the laws of Liechtenstein, with its principal place of business at Feldkircherstrasse 100, P.O. Box 333, 9494 Schaan, Principality of Liechtenstein.

4. Hilti’s products and services are distributed in the United States by its subsidiary, Hilti, Inc. Hilti, Inc. employs approximately 3,500 individuals and is based in Plano, Texas where it has research and development facilities and corporate offices.

5. Upon information and belief, Defendant STI is a corporation organized under the laws of the State of Delaware, with its principal place of business at 210 Evans Way, Somerville, New Jersey 08876.

JURISDICTION AND VENUE

6. This Court's jurisdiction over this action is proper under relevant statutes, including 35 U.S.C. § 271, *et seq.*, 28 U.S.C. § 1331 (federal question jurisdiction), and 28 U.S.C. § 1338 (jurisdiction over patent actions). The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has general personal jurisdiction over Defendant at least because Defendant is incorporated in Delaware and, upon information and belief, Defendant has committed acts of patent infringement in Delaware and Defendant regularly conducts business, solicits business, and/or derives substantial revenue from products provided within Delaware, including products that infringe Hilti's patented technology.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b) at least because Defendant is incorporated in Delaware.

THE PATENTS-IN-SUIT

9. Founded in 1941 and based in Schaan, Principality of Liechtenstein, Hilti has, through its 80+-year history been a world leader and innovator across a variety of technical industries. Over the years, Hilti has expended significant resources on research, development, and innovation, and on capturing the fruits of those efforts in patent applications filed around the world. For example, Hilti's fire protection related patents born from this history of innovation

include U.S. Patent Nos. 10,295,088, 10,663,090, 11,242,946, 10,267,036, 10,774,528, 10,641,417, 11,137,091, 10,596,399 and 10,610,711 (collectively, the “Patents-in-Suit”).

10. U.S. Patent No. 10,295,088 (“the ’088 Patent”), titled “Device for Passing Pipes or Cables Through an Opening in a Building,” was duly and legally issued by the United States Patent and Trademark Office on May 21, 2019. Hilti is the owner of the ’088 Patent, with all substantial rights, including the exclusive right to enforce, sue, and recover damages for past and future infringements. A copy of the ’088 Patent is attached as Exhibit 1.

11. U.S. Patent No. 10,663,090 (“the ’090 Patent”), titled “Device for Passing Pipes or Cables Through an Opening in a Building,” was duly and legally issued by the United States Patent and Trademark Office on May 26, 2020. Hilti is the owner of the ’090 Patent, with all substantial rights, including the exclusive right to enforce, sue, and recover damages for past and future infringements. A copy of the ’090 Patent is attached as Exhibit 2.

12. U.S. Patent No. 11,242,946 (“the ’946 Patent”), titled “Device for Passing Pipes or Cables Through an Opening in a Building,” was duly and legally issued by the United States Patent and Trademark Office on February 8, 2022. Hilti is the owner of the ’946 Patent, with all substantial rights, including the exclusive right to enforce, sue, and recover damages for past and future infringements. A copy of the ’946 Patent is attached as Exhibit 3.

13. U.S. Patent No. 10,267,036 (“the ’036 Patent”), titled “Universal Joint Sealing Tape for Different Profile Dimensions and Seal Arrangement Having Such a Joint Sealing Tape,” was duly and legally issued by the United States Patent and Trademark Office on April 23, 2019. Hilti is the owner of the ’036 Patent, with all substantial rights, including the exclusive right to enforce, sue, and recover damages for past and future infringements. A copy of the ’036 Patent is attached as Exhibit 4.

14. U.S. Patent No. 10,774,528 (“the ’528 Patent”), titled “Universal Joint Sealing Tape for Different Profile Dimensions and Seal Arrangement Having Such a Joint Sealing Tape,” was duly and legally issued by the United States Patent and Trademark Office on September 15, 2020. Hilti is the owner of the ’528 Patent, with all substantial rights, including the exclusive right to enforce, sue, and recover damages for past and future infringements. A copy of the ’528 Patent is attached as Exhibit 5.

15. U.S. Patent No. 10,641,417 (“the ’417 Patent”), titled “Fire Protection Sleeve,” was duly and legally issued by the United States Patent and Trademark Office on May 5, 2020. Hilti is the owner of the ’417 Patent, with all substantial rights, including the exclusive right to enforce, sue, and recover damages for past and future infringements. A copy of the ’417 Patent is attached as Exhibit 6.

16. U.S. Patent No. 11,137,091 (“the ’091 Patent”), titled “Fire Protection Sleeve,” was duly and legally issued by the United States Patent and Trademark Office on October 5, 2021. Hilti is the owner of the ’091 Patent, with all substantial rights, including the exclusive right to enforce, sue, and recover damages for past and future infringements. A copy of the ’091 Patent is attached as Exhibit 7.

17. U.S. Patent No. 10,596,399 (“the ’399 Patent”), titled “Firestop Collar,” was duly and legally issued by the United States Patent and Trademark Office on March 24, 2020. Hilti is the owner of the ’399 Patent, with all substantial rights, including the exclusive right to enforce, sue, and recover damages for past and future infringements. A copy of the ’399 Patent is attached as Exhibit 8.

18. U.S. Patent No. 10,610,711 (“the ’711 Patent”), titled “Firestop Collar,” was duly and legally issued by the United States Patent and Trademark Office on April 7, 2020. Hilti is

the owner of the '711 Patent, with all substantial rights, including the exclusive right to enforce, sue, and recover damages for past and future infringements. A copy of the '711 Patent is attached as Exhibit 9.

COUNT ONE

INFRINGEMENT OF U.S. PATENT NO. 10,295,088

19. Hilti incorporates by reference the allegations in paragraphs 1-18 as if fully set forth herein.

20. On information and belief, Defendant has infringed claims of the '088 Patent, including at least claim 1, in violation of 35 U.S.C. § 271(a) by manufacturing, using, offering to sell, selling, and/or importing infringing products.

21. Claim 1 of the '088 Patent recites:

1. A device, comprising:

a sleeve-like housing comprising a passage channel that is open at opposite ends;

a curtain extending inwards from a wall of the passage channel; and

a flexible material mounted in the passage channel at a location spaced from the curtain and coated with an intumescent material, wherein the device is suitable for passing a pipe or cable through an opening in a building and the curtain at least partially bends in a through-direction of the passage channel when a pipe or cable is in the device, and wherein the curtain comprises at least one selected from the group consisting of an inorganic fiber and an organic fiber.

22. On information and belief, Defendant has directly infringed claim 1 of the '088 Patent by making, using, offering to sell, selling, and/or importing a product marketed as the EZ Path® Series 44+ Fire Rated Pathway (the "EZ Path Pathway").

23. According to Defendant, the EZ Path Pathway is a pathway device designed to allow cables to penetrate fire-rated walls and floors without the need for firestopping. The EZ

Path Pathway features a built-in fire and smoke sealing system that automatically adjusts to the amount of cables installed. See Exhibit 10 (Product Data Sheet for the EZ Path Pathway).

24. On information and belief, the EZ Path Pathway is a device. The EZ Path Pathway is shown in the below image taken from <https://www.stifirestop.com/products/ez-path-series-44-fire-rated-pathway> (last accessed on September 14, 2022):

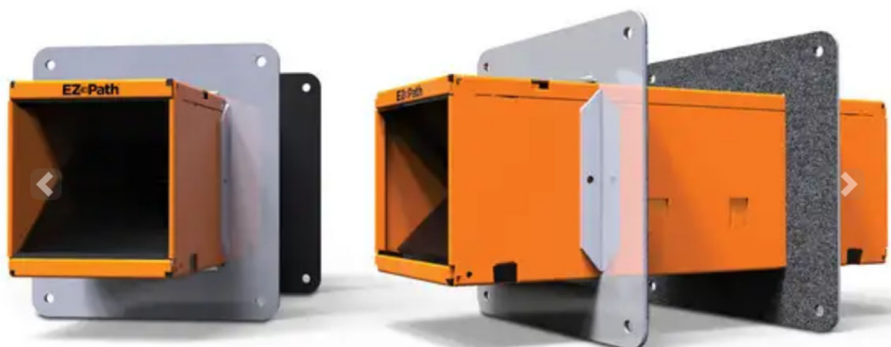
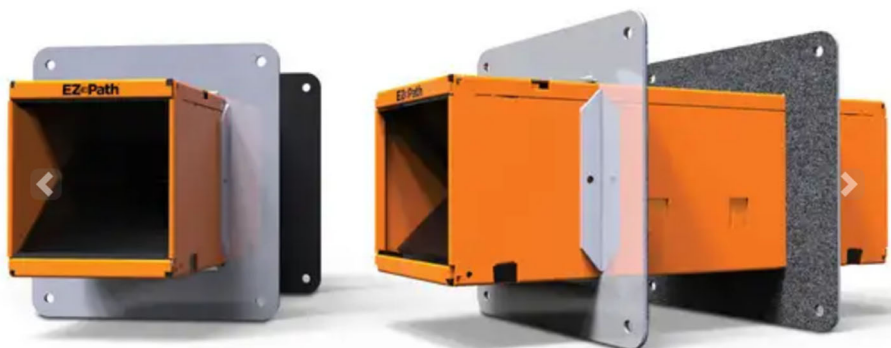


Exhibit 14.

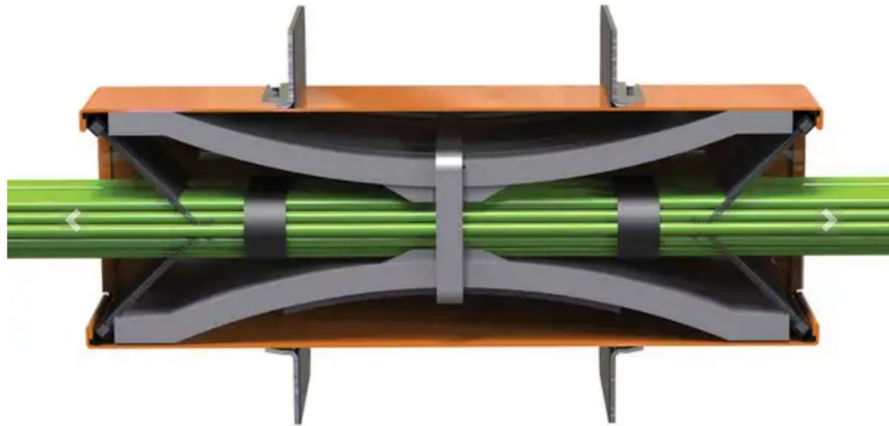
25. On information and belief, the EZ Path Pathway includes a sleeve-like housing comprising a passage channel that is open at opposite ends, namely the orange galvanized steel pathway shown in the below image taken from <https://www.stifirestop.com/products/ez-path-series-44-fire-rated-pathway> (last accessed on September 14, 2022):



Id.

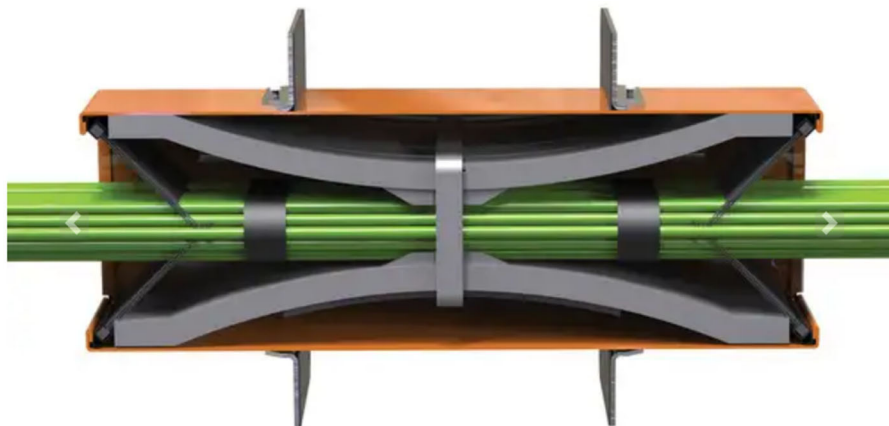
26. On information and belief, the EZ Path Pathway includes a curtain extending inwards from a wall of the passage channel, namely the two brushes on the left and/or right side

of the housing shown in the below image taken from <https://www.stifirestop.com/products/ez-path-series-44-fire-rated-pathway> (last accessed on September 14, 2022):



Id.

27. On information and belief, the EZ Path Pathway includes a flexible material mounted in the passage channel at a location spaced from the curtain and coated with an intumescent material, namely the gray intumescent pads shown in the below image taken from <https://www.stifirestop.com/products/ez-path-series-44-fire-rated-pathway> (last accessed on September 14, 2022):



Id.

28. On information and belief, the EZ Path Pathway is suitable for passing a pipe or cable through an opening in a building and the curtain at least partially bends in a through-direction of the passage channel when a pipe or cable is in the device, as shown at the right side

of the below image taken from <https://www.stifirestop.com/ez-path> (last accessed on September 15, 2022):

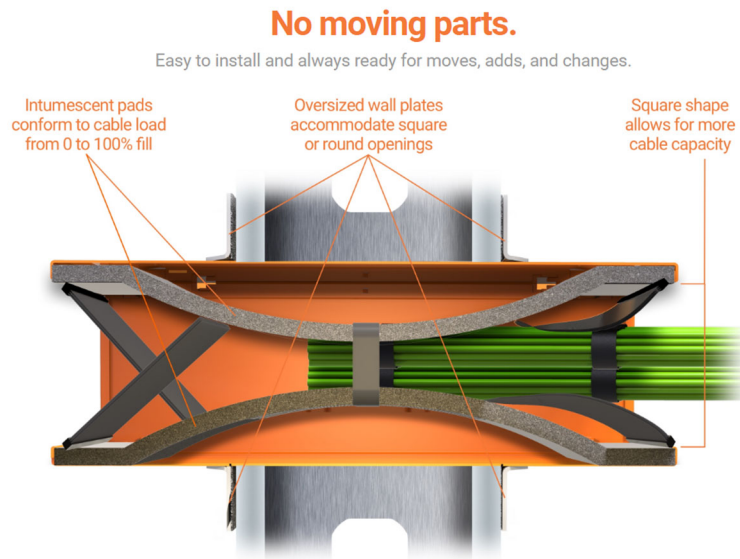


Exhibit 15.

29. On information and belief, the EZ Path Pathway includes a curtain that comprises at least one selected from the group consisting of an inorganic fiber and an organic fiber, as shown in the below image taken from <https://www.stifirestop.com/products/ez-path-series-44-fire-rated-pathway> (last accessed on September 14, 2022):

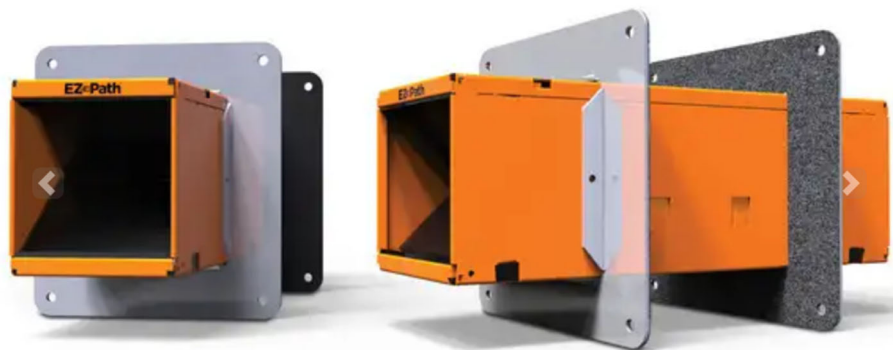


Exhibit 14.

30. The full extent of Defendant's infringement is not presently known to Hilti. Hilti makes this preliminary identification of infringing products and infringed claims in Count One

without the benefit of discovery or claim construction in this action, and expressly reserves the right to augment, supplement, and revise its identifications based on additional information obtained through discovery or otherwise.

31. Hilti has suffered damages, including specifically lost profits, as a result of Defendant's infringement of the '088 Patent in an amount to be determined at trial.

32. Defendant's infringement of the '088 Patent is causing irreparable harm for which Hilti has no adequate remedy at law unless Defendant is enjoined by this Court. Under 35 U.S.C. § 283, Hilti is entitled to a permanent injunction against further infringement of the '088 Patent.

COUNT TWO

INFRINGEMENT OF U.S. PATENT NO. 10,663,090

33. Hilti incorporates by reference the allegations in paragraphs 1-18 as if fully set forth herein.

34. On information and belief, Defendant has infringed claims of the '090 Patent, including at least claim 1, in violation of 35 U.S.C. § 271(a) by manufacturing, using, offering to sell, selling, and/or importing infringing products.

35. Claim 1 of the '090 Patent recites:

1. A device, comprising:

a sleeve-like housing comprising a passage channel that is open at opposite ends and has an approximately rectangular cross section,

at least two brushes mounted on two parallel, opposite flat walls of the passage channel, and wherein the brushes comprise bristles that extend inwards and that mesh to close the passage channel; and

a flexible material that is mounted in the passage channel and comprises an intumescent material, wherein the flexible material at least partially

curves in an axial direction of the passage channel and wherein the device is suitable for passing a pipe or cable through an opening in a building.

36. On information and belief, Defendant has directly infringed claim 1 of the '090 Patent by making, using, offering to sell, selling, and/or importing the EZ Path Pathway.

37. On information and belief, the EZ Path Pathway is a device. The EZ Path Pathway is shown in the below image taken from <https://www.stifirestop.com/products/ez-path-series-44-fire-rated-pathway> (last accessed on September 14, 2022):

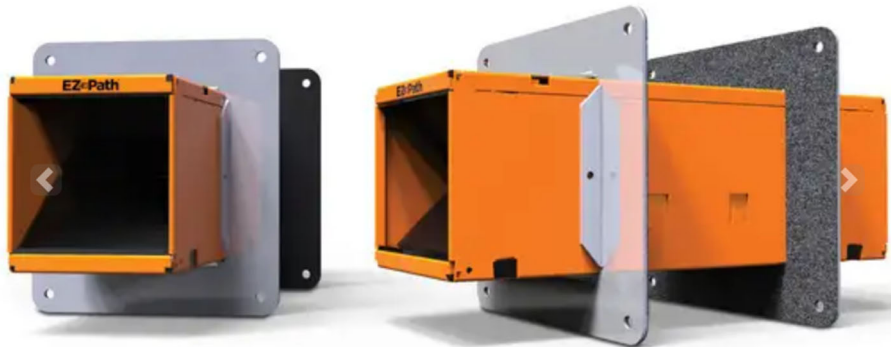
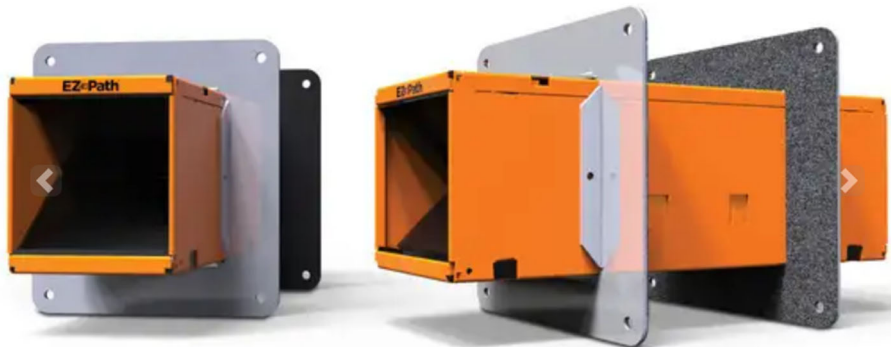


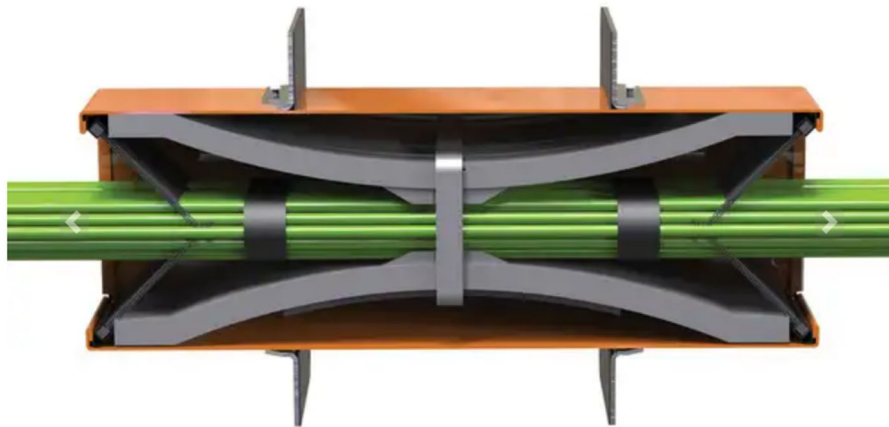
Exhibit 14.

38. On information and belief, the EZ Path Pathway includes a sleeve-like housing comprising a passage channel that is open at opposite ends and has an approximately rectangular cross section, namely the orange galvanized steel pathway shown in the below image taken from <https://www.stifirestop.com/products/ez-path-series-44-fire-rated-pathway> (last accessed on September 14, 2022):



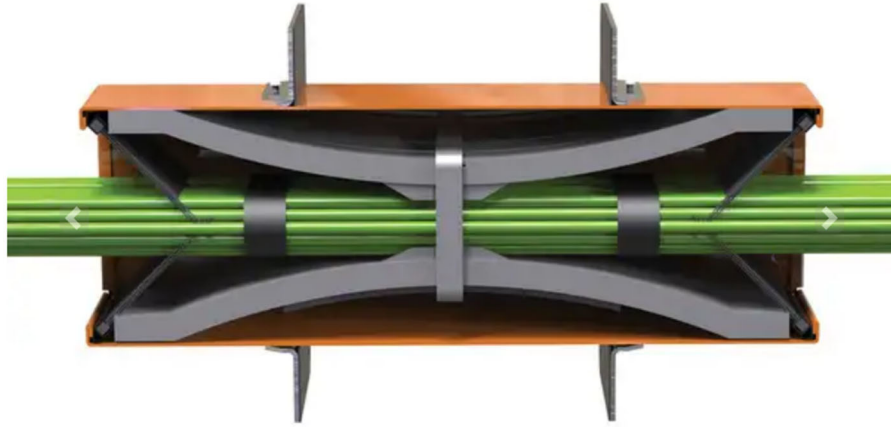
Id.

39. On information and belief, the EZ Path Pathway includes at least two brushes mounted on two parallel, opposite flat walls of the passage channel, and wherein the brushes comprise bristles that extend inwards and mesh to close the passage channel, namely the two brushes on the left and/or right side of the housing shown in the below image taken from <https://www.stifirestop.com/products/ez-path-series-44-fire-rated-pathway> (last accessed on September 14, 2022):



Id.

40. On information and belief, the EZ Path Pathway includes a flexible material that is mounted in the passage channel and comprises an intumescent material, wherein the flexible material at least partially curves in an axial direction of the passage channel and wherein the device is suitable for passing a pipe or cable through an opening in a building, namely the gray intumescent pads shown in the below image taken from <https://www.stifirestop.com/products/ez-path-series-44-fire-rated-pathway> (last accessed on September 14, 2022):



Id.

41. On information and belief, the EZ Path Pathway is suitable for passing a pipe or cable through an opening in a building, as shown in the below image taken from <https://www.stifirestop.com/ez-path> (last accessed on September 15, 2022):

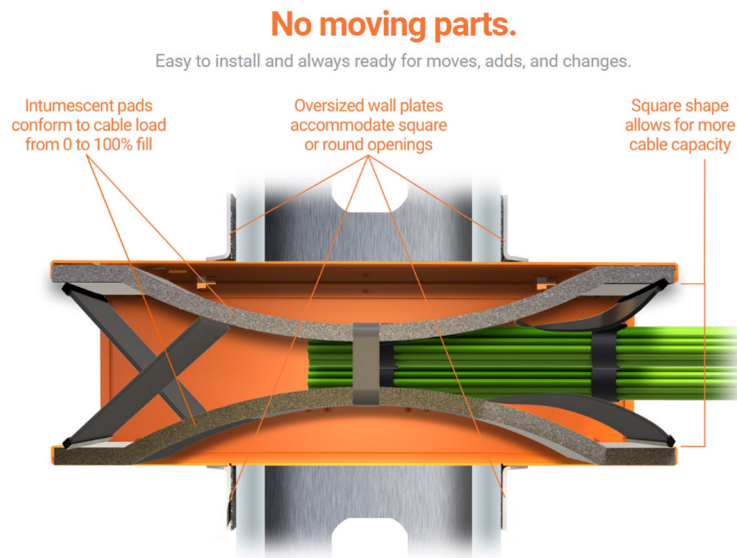


Exhibit 15.

42. The full extent of Defendant's infringement is not presently known to Hilti. Hilti makes this preliminary identification of infringing products and infringed claims in Count Two without the benefit of discovery or claim construction in this action, and expressly reserves the

right to augment, supplement, and revise its identifications based on additional information obtained through discovery or otherwise.

43. Hilti has suffered damages, including specifically lost profits, as a result of Defendant's infringement of the '090 Patent in an amount to be determined at trial.

44. Defendant's infringement of the '090 Patent is causing irreparable harm for which Hilti has no adequate remedy at law unless Defendant is enjoined by this Court. Under 35 U.S.C. § 283, Hilti is entitled to a permanent injunction against further infringement of the '090 Patent.

COUNT THREE

INFRINGEMENT OF U.S. PATENT NO. 11,242,946

45. Hilti incorporates by reference the allegations in paragraphs 1-18 as if fully set forth herein.

46. On information and belief, Defendant has infringed claims of the '946 Patent, including at least claim 1, in violation of 35 U.S.C. § 271(a) by manufacturing, using, offering to sell, selling, and/or importing infringing products.

47. Claim 1 of the '946 Patent recites:

1. A device, comprising:
a housing comprising a channel with open ends;
a curtain extending into the channel at a first location; and
a fire-retardant material extending into the channel at a second location,
wherein the curtain moves within the channel in an installed state, the curtain moving to accommodate passage of an object through the channel, and wherein the fire-retardant material curves in an axial direction within the channel and at least partially surrounds the object in the channel in the installed state, the housing coupled to an opening in a barrier.

48. On information and belief, Defendant has directly infringed claim 1 of the '946 Patent by making, using, offering to sell, selling, and/or importing the EZ Path Pathway.

49. On information and belief, the EZ Path Pathway is a device. The EZ Path Pathway is shown in the below image taken from <https://www.stifirestop.com/products/ez-path-series-44-fire-rated-pathway> (last accessed on September 14, 2022):

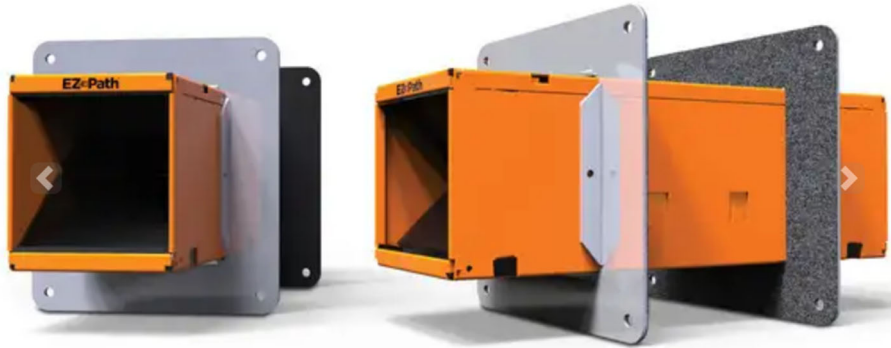
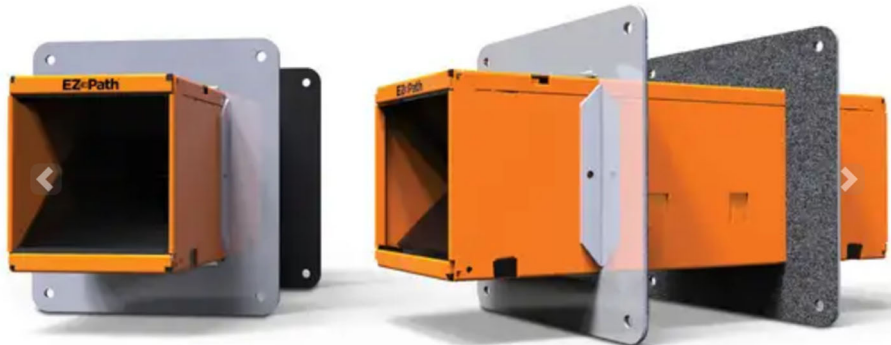


Exhibit 14.

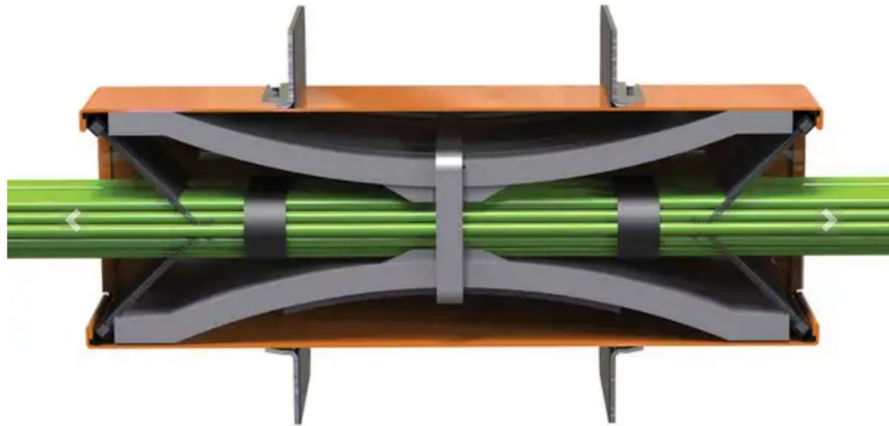
50. On information and belief, the EZ Path Pathway includes a housing comprising a channel with open ends, namely the orange galvanized steel pathway shown in the below image taken from <https://www.stifirestop.com/products/ez-path-series-44-fire-rated-pathway> (last accessed on September 14, 2022):



Id.

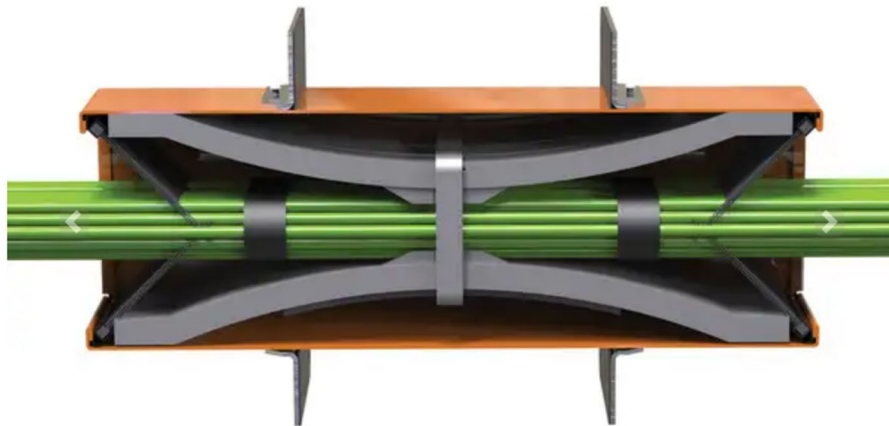
51. On information and belief, the EZ Path Pathway includes a curtain extending into the channel at a first location, namely the two brushes on the left and/or right side of the housing

shown in the below image taken from <https://www.stifirestop.com/products/ez-path-series-44-fire-rated-pathway> (last accessed on September 14, 2022):



Id.

52. On information and belief, the EZ Path Pathway includes a fire-retardant material extending into the channel at a second location, namely the gray intumescent pads shown in the below image taken from <https://www.stifirestop.com/products/ez-path-series-44-fire-rated-pathway> (last accessed on September 14, 2022):



Id.

53. On information and belief, the curtain in the EZ Path Pathway moves within the channel in an installed state, the curtain moving to accommodate passage of an object through

the channel, as shown at the right side of the below image taken from

<https://www.stifirestop.com/ez-path> (last accessed on September 15, 2022):

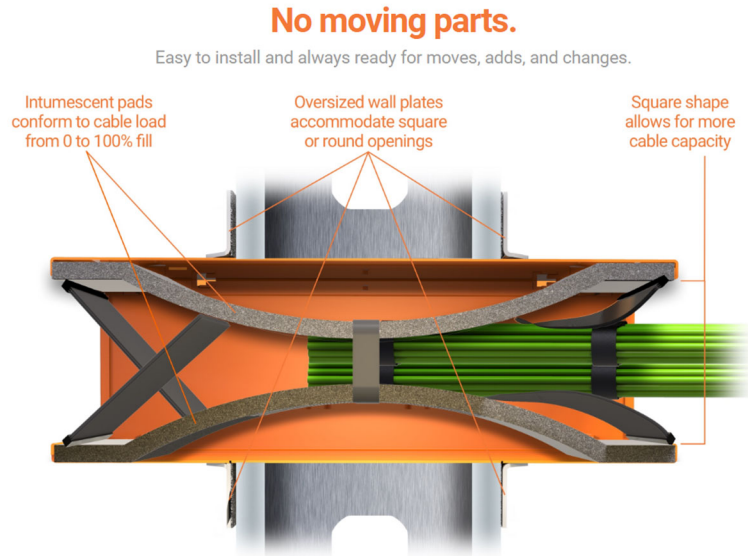
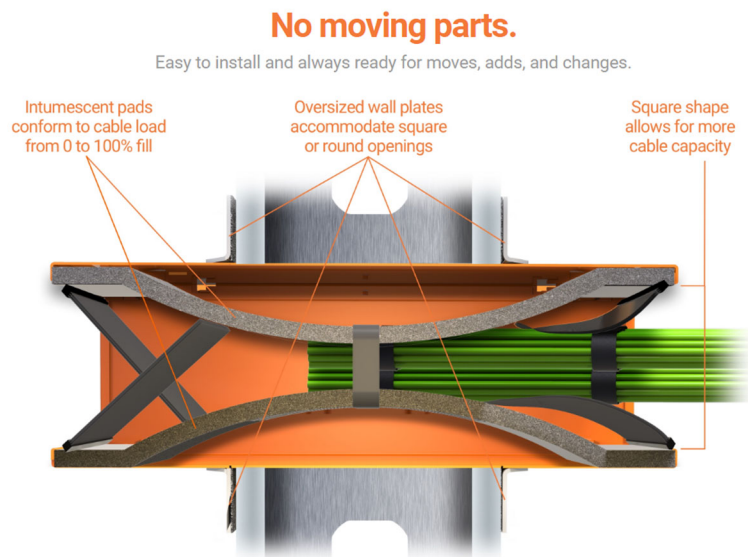


Exhibit 15.

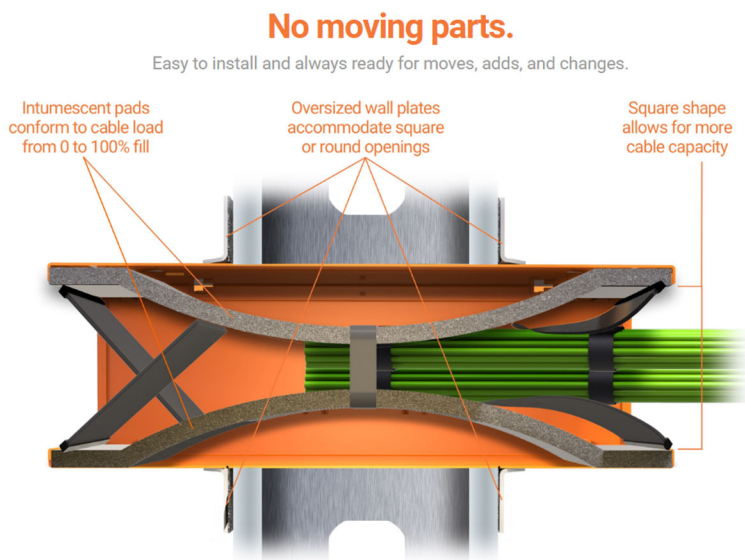
54. On information and belief, the fire-retardant material in the EZ Path Pathway curves in an axial direction within the channel and at least partially surrounds the object in the channel in the installed state, as shown in the below image taken from

<https://www.stifirestop.com/ez-path> (last accessed on September 15, 2022):



Id.

55. On information and belief, the housing in the EZ Path Pathway is coupled to an opening in a barrier, as shown in the below image taken from <https://www.stifirestop.com/ez-path> (last accessed on September 15, 2022):



Id.

56. The full extent of Defendant's infringement is not presently known to Hilti. Hilti makes this preliminary identification of infringing products and infringed claims in Count Three without the benefit of discovery or claim construction in this action, and expressly reserves the right to augment, supplement, and revise its identifications based on additional information obtained through discovery or otherwise.

57. Hilti has suffered damages, including specifically lost profits, as a result of Defendant's infringement of the '946 Patent in an amount to be determined at trial.

58. Defendant's infringement of the '946 Patent is causing irreparable harm for which Hilti has no adequate remedy at law unless Defendant is enjoined by this Court. Under 35

U.S.C. § 283, Hilti is entitled to a permanent injunction against further infringement of the '946 Patent.

COUNT FOUR

INFRINGEMENT OF U.S. PATENT NO. 10,267,036

59. Hilti incorporates by reference the allegations in paragraphs 1-18 as if fully set forth herein.

60. On information and belief, Defendant has infringed claims of the '036 Patent, including at least claim 1, in violation of 35 U.S.C. § 271(a) by manufacturing, using, offering to sell, selling, and/or importing infringing products.

Claim 1 of the '036 Patent recites:

1. A joint sealing tape for sealing a joint between a first component and a second component, said joint sealing tape comprising:
an elongated connection element and at least two sealing elements, which are positioned on the connection element at a distance from and next to one another, running in a longitudinal direction of the connection element, wherein the connection element has a perforation, and
wherein the perforation is located within a central segment of the connection element and is configured to improve ease of separation of two halves of the joint sealing tape.

61. On information and belief, Defendant has directly infringed claim 1 of the '036 Patent by making, using, offering to sell, selling, and/or importing a product marketed as SpeedFlex® Track Top Gasket (TTG), Part Number TTG350F (the "TTG350F").

62. According to Defendant, the TTG350F is a "thin profile intumescent cover for gypsum wall framing for tracks, runners and studs that is designed to provide fire, smoke and acoustical ratings for head of wall joints, wall to wall joints, bottom of wall joints and perimeter fire-barrier between gypsum wall(s) and concrete." Exhibit 11 at 1.

63. On information and belief, the TTG350F is a joint sealing tape for sealing a joint between a first component and a second component. The Product Data Sheet for the SpeedFlex® Track Top Gasket, which includes the TTG350F, states, in part, “SpeedFlex® Track Top Gasket (TTG) is a patented thin profile intumescent cover for gypsum wall framing for tracks, runners and studs that is designed to provide fire, smoke and acoustical ratings for head of wall joints, wall to wall joints, bottom of wall joints and perimeter fire-barrier between gypsum wall(s) and concrete.” *Id.*

64. The TTG350F is shown in the below image taken from <https://www.stifirestop.com/products/ttg-track-top-gasket> (last accessed on September 15, 2022):



Exhibit 16.

65. On information and belief, the TTG350F includes an elongated connection element and at least two sealing elements, which are positioned on the connection element at a distance from and next to one another, running in a longitudinal direction of the connection element, as shown in the below image taken from <https://www.stifirestop.com/products/ttg-track-top-gasket> (last accessed on September 15, 2022):



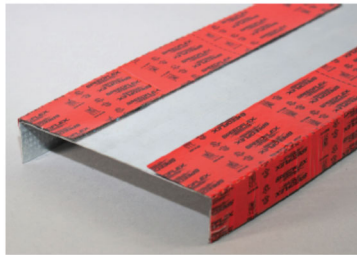
Id.

66. On information and belief, the connection element of the TTG350F includes a perforation, as described in Technology Update – 3488 (the “Technology Update”, attached hereto as Exhibit 12): “In the Track Top Gasket sized for 3-1/2 in. standard stud framing (Cat. No. TTG350F) we’ve added a perforation down the center of the intumescent gasket. By incorporating the perforation into the gasket you can quickly and easily slice the gasket in half by hand, making the TTG350F suitable for less common track configurations such as 3-5/8 in. widths or dual stud walls. Most importantly, we were able to increase the range of applications you can use the TTG350F material on without compromising F, T, L, or STC Ratings.” Exhibit 12.

67. On information and belief, the perforation on the TTG350F is located within a central segment of the connection element and is configured to improve ease of separation of two halves of the joint sealing tape, as described in the Technology Update: “In the Track Top Gasket sized for 3-1/2 in. standard stud framing (Cat. No. TTG350F) we’ve added a perforation down the center of the intumescent gasket. By incorporating the perforation into the gasket you can quickly and easily slice the gasket in half by hand, making the TTG350F suitable for less common track configurations such as 3-5/8 in. widths or dual stud walls. Most importantly, we

were able to increase the range of applications you can use the TTG350F material on without compromising F, T, L, or STC Ratings.” *Id.*

68. The TTG350F, after the two halves of the joint sealing tape are separated at the perforation, is depicted in the Technology Update, as shown in the image below:



Id.

69. The full extent of Defendant’s infringement is not presently known to Hilti. Hilti makes this preliminary identification of infringing products and infringed claims in Count Four without the benefit of discovery or claim construction in this action, and expressly reserves the right to augment, supplement, and revise its identifications based on additional information obtained through discovery or otherwise.

70. Hilti has suffered damages, including specifically lost profits, as a result of Defendant’s infringement of the ’036 Patent in an amount to be determined at trial.

71. Defendant’s infringement of the ’036 Patent is causing irreparable harm for which Hilti has no adequate remedy at law unless Defendant is enjoined by this Court. Under 35 U.S.C. § 283, Hilti is entitled to a permanent injunction against further infringement of the ’036 Patent.

COUNT FIVE

INFRINGEMENT OF U.S. PATENT NO. 10,774,528

72. Hilti incorporates by reference the allegations in paragraphs 1-18 as if fully set forth herein.

73. On information and belief, Defendant has infringed claims of the '528 Patent, including at least claim 1, in violation of 35 U.S.C. § 271(a) by manufacturing, using, offering to sell, selling, and/or importing infringing products.

74. Claim 1 of the '528 Patent recites:

1. A joint sealing tape for sealing a joint between a first component and a second component, said joint sealing tape comprising:

a connection section; and

a first sealing section and a second sealing section coupled to respective sides of the connection section, each of the first sealing section and the second sealing section comprising an intumescent material extending in a longitudinal direction of said connection section, wherein said connection section has a perforation, and wherein said perforation is located within a central portion of said connection section when in an uninstalled state, said perforation allowing a distance to increase between the first sealing section and the second sealing section when the first sealing section and the second sealing section are separated along said perforation and installed together in an installed state.

75. On information and belief, Defendant has infringed claims of the '528 Patent, including at least claim 1, in violation of 35 U.S.C. § 271(a) by manufacturing, using, offering to sell, selling, and/or importing infringing products.

76. On information and belief, Defendant has directly infringed claim 1 of the '528 Patent by making, using, offering to sell, selling, and/or importing the TTG350F.

77. On information and belief, the TTG350F is a joint sealing tape for sealing a joint between a first component and a second component. The Product Data Sheet for the SpeedFlex® Track Top Gasket, which includes the TTG350F, states, in part, "SpeedFlex®

Track Top Gasket (TTG) is a patented thin profile intumescent cover for gypsum wall framing for tracks, runners and studs that is designed to provide fire, smoke and acoustical ratings for head of wall joints, wall to wall joints, bottom of wall joints and perimeter fire-barrier between gypsum wall(s) and concrete.” *See* Exhibit 11.

78. The TTG350F is shown in the below image taken from <https://www.stifirestop.com/products/ttg-track-top-gasket> (last accessed on September 15, 2022):



Exhibit 16.

79. On information and belief, the TTG350F includes a connection section, as shown in the below image taken from <https://www.stifirestop.com/products/ttg-track-top-gasket> (last accessed on September 15, 2022):



Id.

80. On information and belief, the TTG350F includes a first sealing section and a second sealing section coupled to respective sides of the connection section, as shown in the

below image taken from <https://www.stifirestop.com/products/ttg-track-top-gasket> (last accessed on September 15, 2022):



Id.

81. On information and belief, in the TTG350F, each of the first sealing section and the second sealing section comprising an intumescent material extending in a longitudinal direction of said connection section, as described in the Technology Update, “[d]esigned to take the place of traditional firestop sealants and sprays, TTG consists of a thin profile intumescent with a Polyethylene backing material on one side . . .” and as shown in the below image:



Exhibit 12.

82. On information and belief, the connection section of the TTG350F has a perforation, as described in the Technology Update: “In the Track Top Gasket sized for 3-1/2 in. standard stud framing (Cat. No. TTG350F) we’ve added a perforation down the center of the intumescent gasket. By incorporating the perforation into the gasket you can quickly and easily slice the gasket in half by hand, making the TTG350F suitable for less common track configurations such as 3-5/8 in. widths or dual stud walls. Most importantly, we were able to

increase the range of applications you can use the TTG350F material on without compromising F, T, L, or STC Ratings.” *Id.*

83. On information and belief, the perforation on the TTG350F is located within a central portion of said connection section when in an uninstalled state, said perforation allowing a distance to increase between the first sealing section and the second sealing section when the first sealing section and the second sealing section are separated along said perforation and installed together in an installed state., as described in the Technology Update: “In the Track Top Gasket sized for 3-1/2 in. standard stud framing (Cat. No. TTG350F) we’ve added a perforation down the center of the intumescent gasket. By incorporating the perforation into the gasket you can quickly and easily slice the gasket in half by hand, making the TTG350F suitable for less common track configurations such as 3-5/8 in. widths or dual stud walls. Most importantly, we were able to increase the range of applications you can use the TTG350F material on without compromising F, T, L, or STC Ratings.”

84. The TTG350F, after the first sealing section and the second sealing section of the joint sealing tape are separated at the perforation, is depicted in the Technology Update, as shown in the image below:



Id.

85. The full extent of Defendant’s infringement is not presently known to Hilti. Hilti makes this preliminary identification of infringing products and infringed claims in Count Five without the benefit of discovery or claim construction in this action, and expressly reserves the

right to augment, supplement, and revise its identifications based on additional information obtained through discovery or otherwise.

86. Hilti has suffered damages, including specifically lost profits, as a result of Defendant's infringement of the '528 Patent in an amount to be determined at trial.

87. Defendant's infringement of the '528 Patent is causing irreparable harm for which Hilti has no adequate remedy at law unless Defendant is enjoined by this Court. Under 35 U.S.C. § 283, Hilti is entitled to a permanent injunction against further infringement of the '528 Patent.

COUNT SIX

INFRINGEMENT OF U.S. PATENT NO. 10,641,417

88. Hilti incorporates by reference the allegations in paragraphs 1-18 as if fully set forth herein.

89. On information and belief, Defendant has infringed claims of the '417 Patent, including at least claim 1, in violation of 35 U.S.C. § 271(a) by manufacturing, using, offering to sell, selling, and/or importing infringing products.

90. Claim 1 of the '417 Patent recites:

1. A firestop apparatus, comprising:

a frame comprising an opening;

a first area of intumescent material in the frame; and

a second area of intumescent material in the frame at a position adjacent to the first area of intumescent material, wherein the second area of intumescent material is between the frame and the first intumescent material and wherein each of the first area of intumescent material and the second area of intumescent material extends in a first direction, wherein the first and second areas of intumescent materials overlap one another and overlap the opening of the frame, in a second direction, the first and second intumescent materials extending in the first direction beyond the

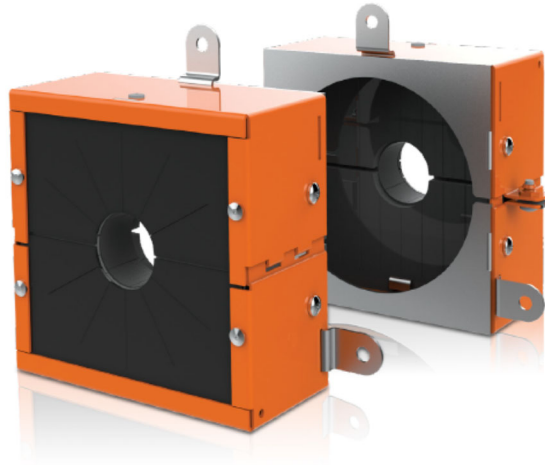
edge of the frame defining the opening, the opening in the frame to allow a building feature to pass through in the second direction crossing the first direction, at least one of the first area of intumescent material and the second area of intumescent material to expand in the presence of heat to contact the building feature.

91. On information and belief, Defendant has directly infringed claim 1 of the '417 Patent by making, using, offering to sell, selling, and/or importing a product marketed as the EZ Path® Retrofit Device, including model numbers EZDR200 and EZDR400 (collectively, the "Retrofit Device").

92. According to Defendant, the Retrofit Device is designed to restore the ratings for overfilled cable sleeve penetrations. The Retrofit Device "features a built-in fire and smoke sealing system that can attach either to the sleeve or the barrier surface." Exhibit 13 at 1 (Product Data Sheet for EZ Path Retrofit Device). The Retrofit Device "consists of a heavy gauge galvanized steel housing containing intumescent materials that expand rapidly when exposed to fire or high temperatures to close off the void area." *Id.*

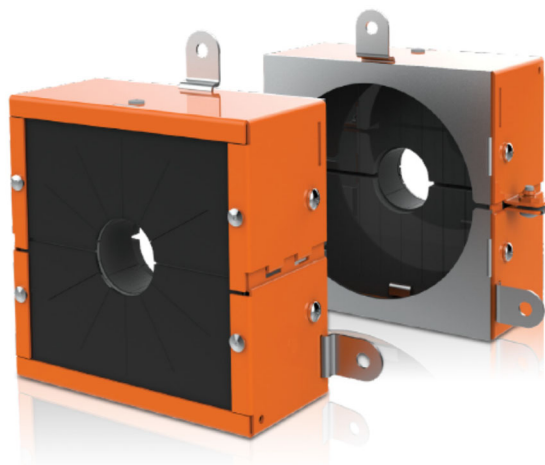
93. On information and belief, the Retrofit Device is a firestop apparatus, as described in the Product Data Sheet: The Retrofit Device "features a built-in fire and smoke sealing system that can attach either to the sleeve or the barrier surface." The Retrofit Device "consists of a heavy gauge galvanized steel housing containing intumescent materials that expand rapidly when exposed to fire or high temperatures to close off the void area." *Id.*

94. Front and back views of the Retrofit Device are shown in the below image taken from the Product Data Sheet:



Id.

95. On information and belief, the Retrofit Device comprises a frame comprising an opening, as shown in in the below image taken from the Product Data Sheet:



Id.

96. On information and belief, the Retrofit Device comprises a first area of intumescent material in the frame. The below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022), depicts half of the first area of intumescent material in the frame:

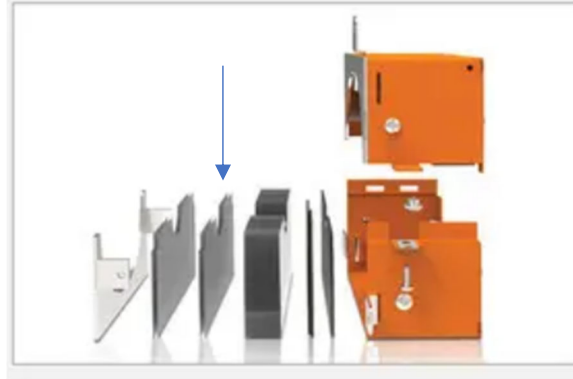
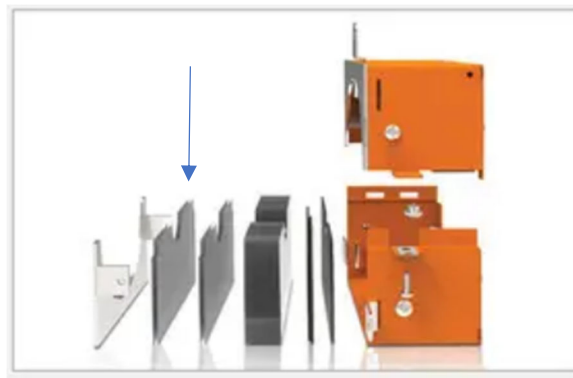


Exhibit 17 (annotated).

97. This bottom thin gray area is referred to by Defendant as an intumescent curtain. There is a reciprocal thin gray area (not depicted) above this thin gray area, which, together with the bottom thin gray area, collectively comprise the first area of intumescent material in the frame.

98. On information and belief, the Retrofit Device comprises a second area of intumescent material in the frame. The below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022), depicts half of the second area of intumescent material in the frame:

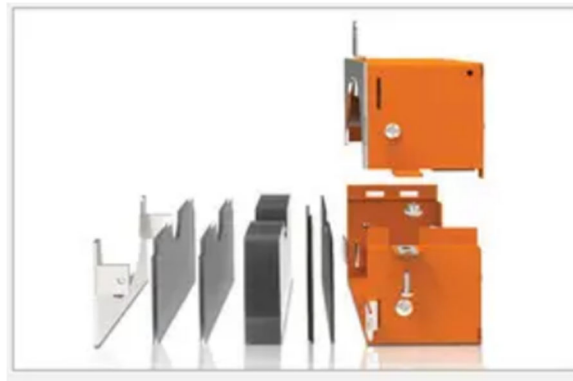


Id. (Annotated).

99. This bottom thin gray area is referred to by Defendant as an intumescent curtain. There is a reciprocal thin gray area (not depicted) above this thin gray area, which, together with

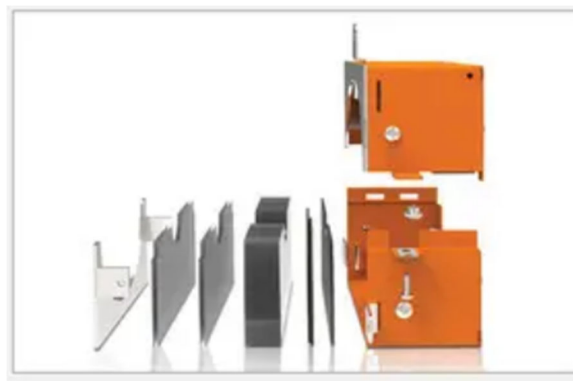
the bottom thin gray area, collectively comprise the second area of intumescent material in the frame.

100. On information and belief, the second area of intumescent material in the Retrofit Device is between the frame and the first intumescent material, as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15 2022):



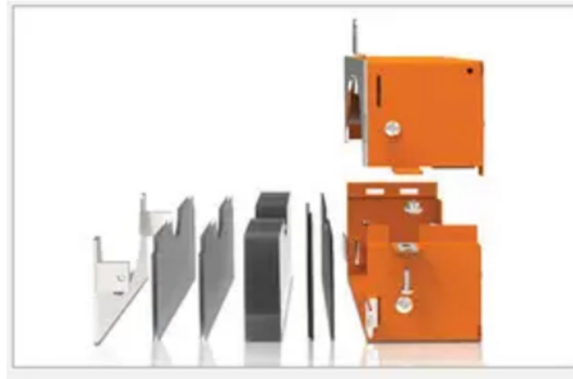
Id.

101. On information and belief, each of the first area of intumescent material and the second area of intumescent material in the Retrofit Device extends in a first direction (*i.e.*, vertically), as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022):



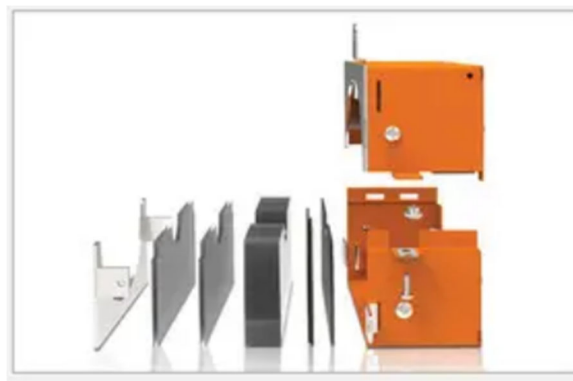
Id.

102. On information and belief, the first and second areas of intumescent materials in the Retrofit Device overlap one another and overlap the opening of the frame, in a second direction (*i.e.*, horizontally), depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022):



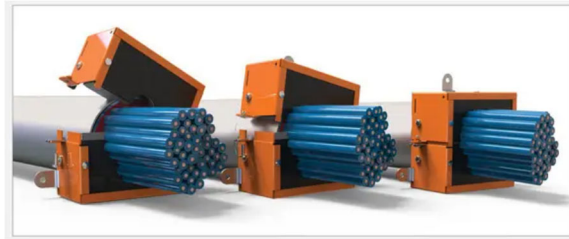
Id.

103. On information and belief, the first and second intumescent materials in the Retrofit Device extend in the first direction (*i.e.*, vertically) beyond the edge of the frame defining the opening, as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022):



Id.

104. On information and belief, the opening in the frame in the Retrofit Device allows a building feature (*e.g.*, cable sleeves) to pass through in the second direction (*i.e.*, horizontally) crossing the first direction (*i.e.*, vertically), as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022):



Id.

105. On information and belief, at least one of the first area of intumescent material and the second area of intumescent material in the Retrofit Device expand in the presence of heat to contact the building feature, as described in the Product Data Sheet: “The EZ Path® Retrofit Device consists of a heavy gauge galvanized steel housing containing intumescent materials that expand rapidly when exposed to fire or high temperatures to close off the void area.” *See* Exhibit 13.

106. The full extent of Defendant’s infringement is not presently known to Hilti. Hilti makes this preliminary identification of infringing products and infringed claims in Count Six without the benefit of discovery or claim construction in this action, and expressly reserves the right to augment, supplement, and revise its identifications based on additional information obtained through discovery or otherwise.

107. Hilti has suffered damages, including specifically lost profits, as a result of Defendant’s infringement of the ’417 Patent in an amount to be determined at trial.

108. Defendant's infringement of the '417 Patent is causing irreparable harm for which Hilti has no adequate remedy at law unless Defendant is enjoined by this Court. Under 35 U.S.C. § 283, Hilti is entitled to a permanent injunction against further infringement of the '417 Patent.

COUNT SEVEN

INFRINGEMENT OF U.S. PATENT NO. 11,137,091

109. Hilti incorporates by reference the allegations in paragraphs 1-18 as if fully set forth herein.

110. On information and belief, Defendant has infringed claims of the '091 Patent, including at least claim 1, in violation of 35 U.S.C. § 271(a) by manufacturing, using, offering to sell, selling, and/or importing infringing products.

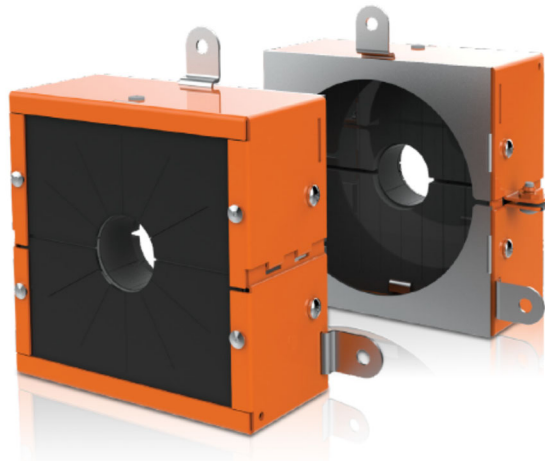
111. Claim 1 of the '091 Patent recites:

1. A firestop apparatus, comprising:
a first layer comprising a first material,
a second layer comprising a second material; and
a frame at least partially surrounding the first layer and the second layer,
wherein the first layer comprises a first passageway and the second layer comprises a second passageway, the first passageway and the second passageway aligned in a second direction and overlapping an opening in the frame, wherein the second layer is between the first layer and the frame in at least the second direction, and wherein an end of the first layer and an end of the second layer extend in a first direction beyond an edge of the frame defining the opening and are offset in the second direction so as to be in different planes, the second direction crossing the first direction and at least one of the first material and the second material comprising a fire resistant material.

112. On information and belief, Defendant has directly infringed claim 1 of the '091 Patent by making, using, offering to sell, selling, and/or importing the Retrofit Device.

113. On information and belief, the Retrofit Device is a firestop apparatus, as described in the Product Data Sheet: The Retrofit Device “features a built-in fire and smoke sealing system that can attach either to the sleeve or the barrier surface.” The Retrofit Device “consists of a heavy gauge galvanized steel housing containing intumescent materials that expand rapidly when exposed to fire or high temperatures to close off the void area.” *See* Exhibit 13.

114. Front and back views of the Retrofit Device are shown in the below image taken from the Product Data Sheet:



Id.

115. On information and belief, the Retrofit Device comprises a first layer comprising a first material. The below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022), depicts half of the first layer comprising a first material:

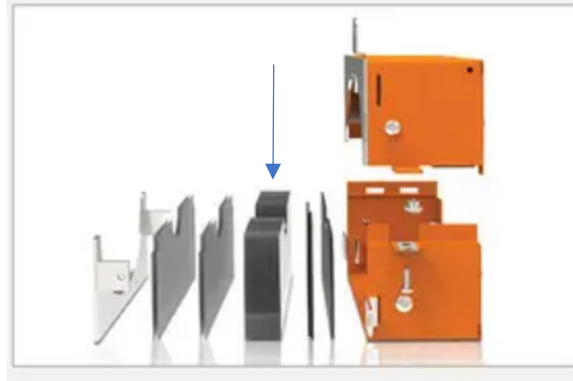
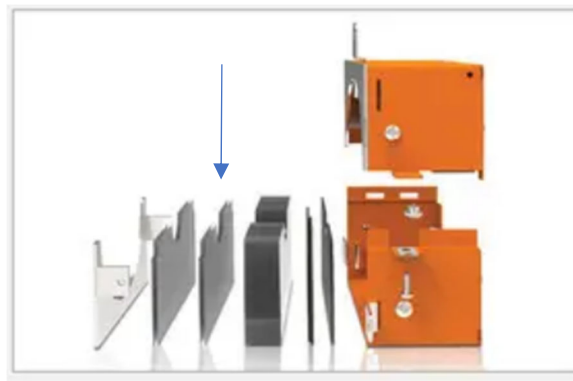


Exhibit 17 (annotated).

116. This bottom thick gray area is referred to by Defendant as a leakage block. There is a reciprocal thick gray area (not depicted) above this thick gray area, which, together with the bottom thick gray area, collectively comprise the first layer comprising a first material.

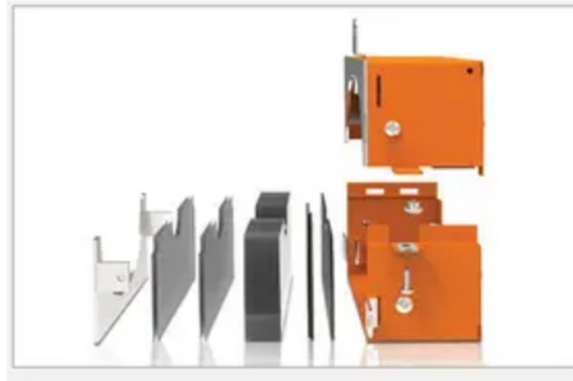
117. On information and belief, the Retrofit Device comprises a second layer comprising a second material. The below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022), depicts half of the second layer comprising a second material:



Id. (Annotated).

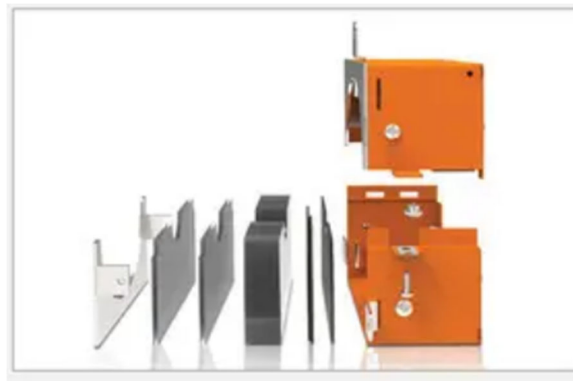
118. This bottom thin gray layer is referred to by Defendant as an intumescent curtain. There is a reciprocal thin gray layer (not depicted) above this thin gray layer, which, together with the bottom thin gray layer, collectively comprise the second layer comprising a second material.

119. On information and belief, the Retrofit Device comprises a frame at least partially surrounding the first layer and the second layer, as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022):



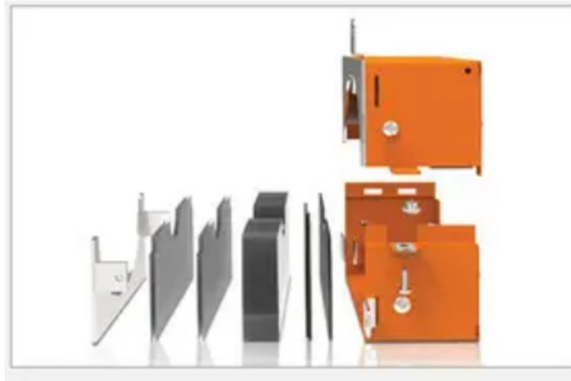
Id.

120. On information and belief, in the Retrofit Device, the first layer comprises a first passageway (*i.e.*, the opening in the center of the layer) and the second layer comprises a second passageway (*i.e.*, the opening in the center of the layer), the first passageway and the second passageway aligned in a second direction (*i.e.*, horizontally) and overlapping an opening in the frame, as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022):



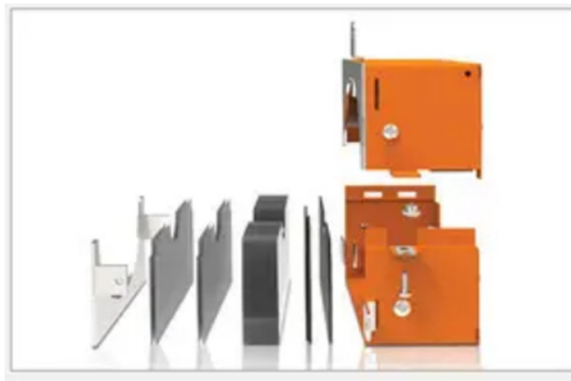
Id.

121. On information and belief, in the Retrofit Device, the second layer is between the first layer and the frame in at least the second direction (*i.e.*, horizontally), as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022):



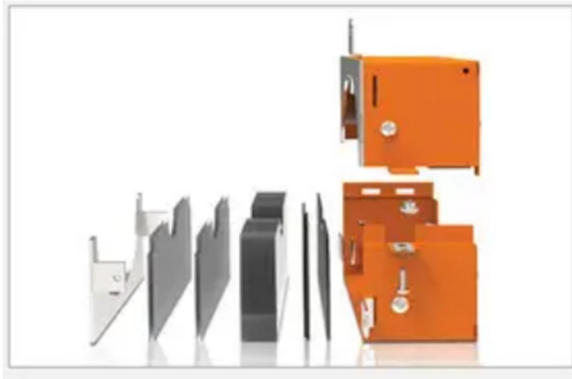
Id.

122. On information and belief, in the Retrofit Device, an end of the first layer and an end of the second layer extend in a first direction (*i.e.*, vertically) beyond an edge of the frame defining the opening and are offset in the second direction (*i.e.*, horizontally) so as to be in different planes, as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022):



Id.

123. On information and belief, the first and second areas of intumescent materials in the Retrofit Device overlap one another and overlap the opening of the frame, in a second direction (*i.e.*, horizontally), the second direction crossing the first direction, as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022):



Id.

124. On information and belief, in the Retrofit Device, at least one of the first material and the second material comprises a fire resistant material, and, specifically, the second material comprises a fire resistant material, as described in the Product Data Sheet: “The EZ Path® Retrofit Device consists of a heavy gauge galvanized steel housing containing intumescent materials that expand rapidly when exposed to fire or high temperatures to close off the void area.” *See* Exhibit 13.

125. The full extent of Defendant’s infringement is not presently known to Hilti. Hilti makes this preliminary identification of infringing products and infringed claims in Count Seven without the benefit of discovery or claim construction in this action, and expressly reserves the right to augment, supplement, and revise its identifications based on additional information obtained through discovery or otherwise.

126. Hilti has suffered damages, including specifically lost profits, as a result of Defendant's infringement of the '091 Patent in an amount to be determined at trial.

127. Defendant's infringement of the '091 Patent is causing irreparable harm for which Hilti has no adequate remedy at law unless Defendant is enjoined by this Court. Under 35 U.S.C. § 283, Hilti is entitled to a permanent injunction against further infringement of the '091 Patent.

COUNT EIGHT

INFRINGEMENT OF U.S. PATENT NO. 10,596,399

128. Hilti incorporates by reference the allegations in paragraphs 1-18 as if fully set forth herein.

129. On information and belief, Defendant has infringed claims of the '399 Patent, including at least claim 1, in violation of 35 U.S.C. § 271(a) by manufacturing, using, offering to sell, selling, and/or importing infringing products.

130. Claim 1 of the '399 Patent recites:

1. A firestop apparatus, comprising:

an intumescent material; and

a modular frame comprising a plurality of frame parts,

wherein the modular frame has an interior space which comprises the intumescent material, wherein the plurality of frame parts of the modular frame are removably coupled to one another, the removable coupling to allow the plurality of frame parts to detach and reattach to one another, wherein the intumescent material has a rectangular structure with side edges, and wherein the intumescent material comprises an opening to receive a pipe, cable, or other line passing through the modular frame, the opening located between the side edges of the rectangular structure of the intumescent material.

131. On information and belief, Defendant has directly infringed claim 1 of the '399 Patent by making, using, offering to sell, selling, and/or importing the Retrofit Device.

132. On information and belief, the Retrofit Device is a firestop apparatus, as described in the Product Data Sheet. The Retrofit Device “features a built-in fire and smoke sealing system that can attach either to the sleeve or the barrier surface.” The Retrofit Device “consists of a heavy gauge galvanized steel housing containing intumescent materials that expand rapidly when exposed to fire or high temperatures to close off the void area.” *See* Exhibit 13.

133. Front and back views of the Retrofit Device are shown in the below image taken from the Product Data Sheet:

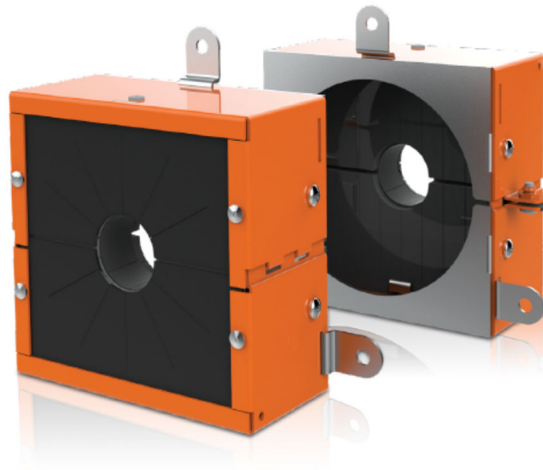


Exhibit 13.

134. On information and belief, the Retrofit Device comprises an intumescent material. The below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022), depicts half of a layer comprising an intumescent material:

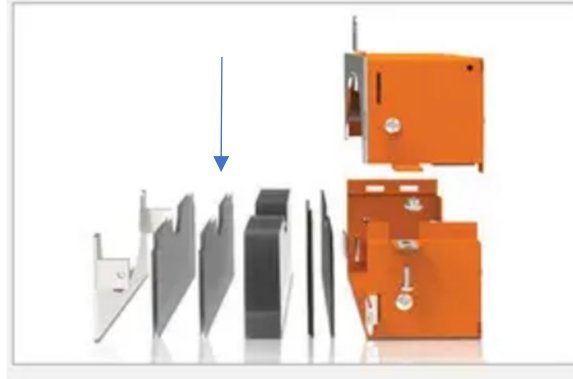
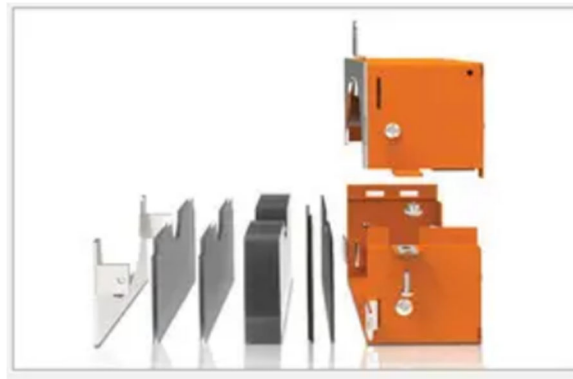


Exhibit 17 (annotated).

135. This bottom thin gray layer is referred to by Defendant as an intumescent curtain. There is a reciprocal thin gray layer (not depicted) above this thin gray layer, which, also comprises intumescent material.

136. On information and belief, the Retrofit Device comprises a modular frame comprising a plurality of parts, as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022):



Id.

137. On information and belief, in the Retrofit Device, the modular frame has an interior space which comprises the intumescent material, as shown in the below image taken from the Product Data Sheet:

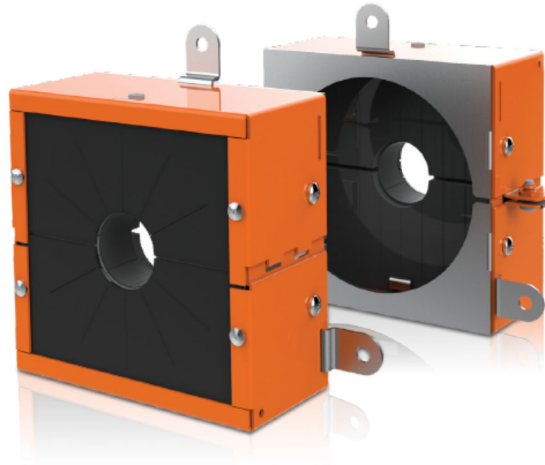


Exhibit 13.

138. On information and belief, in the Retrofit Device, the plurality of frame parts of the modular frame are removably coupled to one another, as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022):

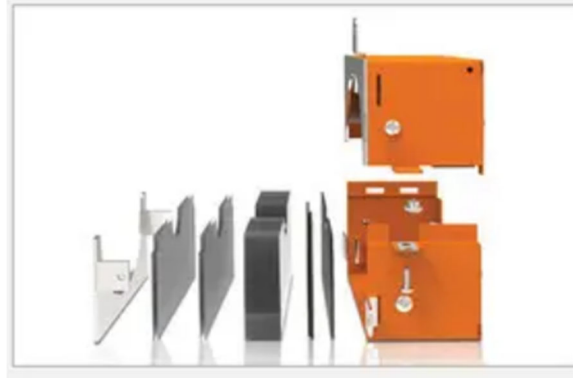


Exhibit 17.

139. The removable coupling is also depicted in the below image taken from the Installation Instructions for the Retrofit Device at 1:

Sleeve Mounted Installation

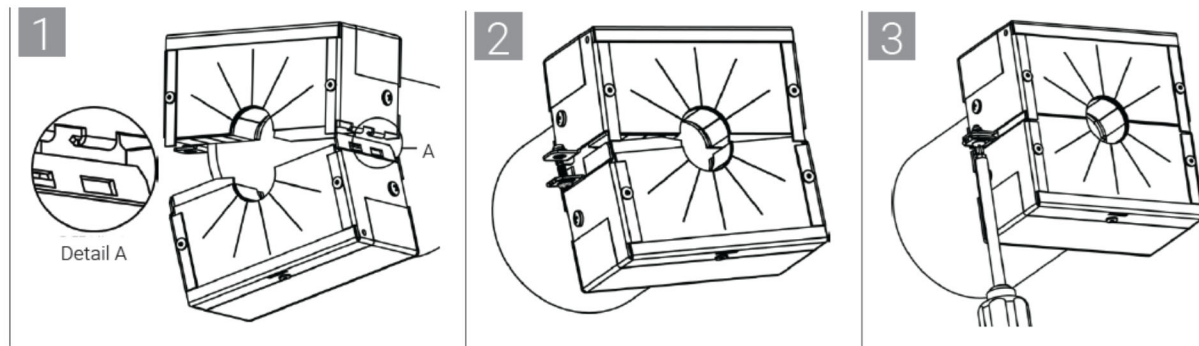


Exhibit 18.

140. On information and belief, in the Retrofit Device, the removable coupling [of the modular frame parts is] to allow the plurality of frame parts to detach and reattach to one another, as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022):

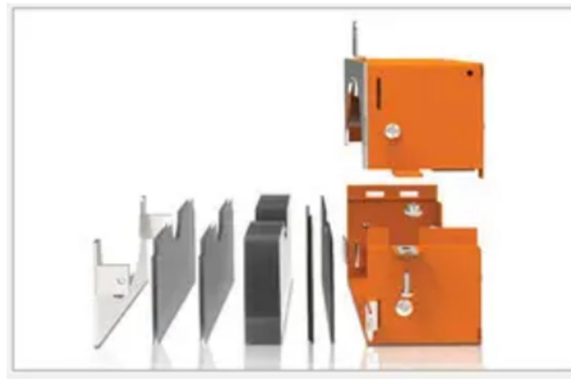


Exhibit 17.

141. The removable coupling is to allow the plurality of frame parts to detach and reattach to one another, as depicted in the below image taken from the Installation Instructions:

Sleeve Mounted Installation

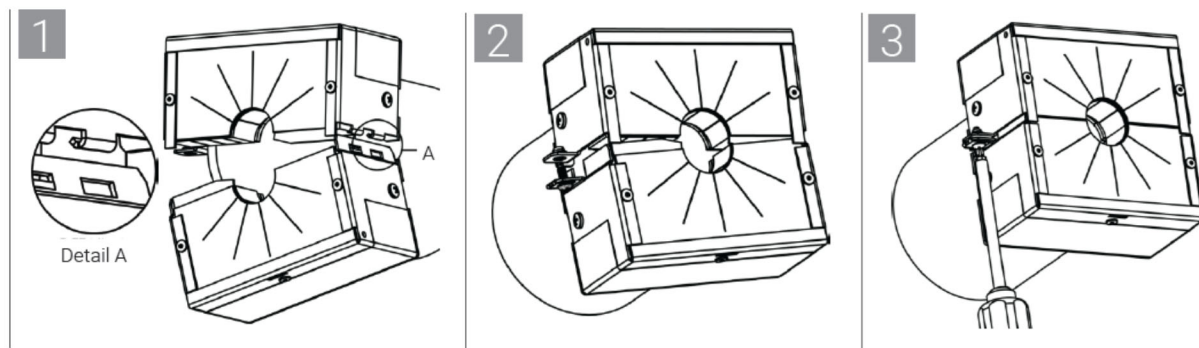


Exhibit 18.

142. On information and belief, in the Retrofit Device, the intumescent material has a rectangular structure with side edges. The below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022), depicts half of a layer comprising an intumescent material, which half of a layer has a rectangular structure with side edges:

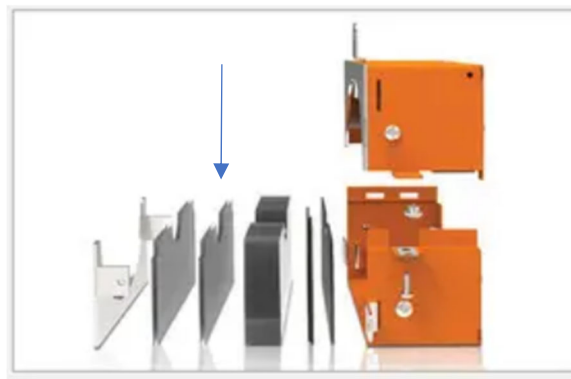


Exhibit 17 (annotated).

143. This bottom thin gray layer is referred to by Defendant as an intumescent curtain. There is a reciprocal thin gray layer (not depicted) above this thin gray layer which also comprises intumescent material. This reciprocal thin gray layer also has a rectangular structure with side edges.

144. Each of the top thin gray layer, the bottom thin gray layer, and/or the combined top and bottom thin gray layers have a rectangular structure with side edges.

145. On information and belief, in the Retrofit Device, the intumescent material comprises an opening to receive a pipe, cable, or other line passing through the modular frame, the opening located between the side edges of the rectangular structure of the intumescent material, as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-retrofit-device> (last accessed on September 15, 2022):



Id.

146. On information and belief, Defendant has also directly infringed claim 1 of the '399 Patent by making, using, offering to sell, selling, and/or importing a product marketed as the EZ Path® Cable Tray Retrofit Device, including model numbers EZCTR612, EZCTR614, EZCTR616 and EZCTR618 (collectively, the "Tray Retrofit Device").

147. According to Defendant, the Tray Retrofit Device quickly and easily remediates existing cable trays of up to 100% visual fill restoring fire performance without the need for additional firestop products. Its two-part design installs around non-compliant cable tray penetrations, restoring fire and smoke leakage performance. *See* Exhibit 19 (Product Data Sheet for EZ Path® Cable Tray Retrofit Device).

148. On information and belief, the Tray Retrofit Device is a firestop apparatus, as described on the product web page: “The EZ Path Cable Tray Retrofit Device quickly and easily remediates existing cable trays of up to 100% visual fill restoring fire performance without the need for additional firestop products. Its two-part design installs around non-compliant cable tray penetrations, restoring fire and smoke leakage performance.” *See* Exhibit 20, retrieved from <https://www.stifirestop.com/products/ez-path-cable-tray-retrofit-device> (last accessed on September 15, 2022).

149. Front and back views of the Tray Retrofit Device are shown in the below image taken from the Product Data Sheet:

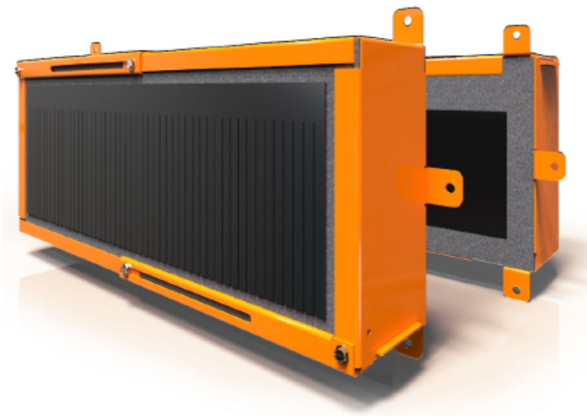


Exhibit 19.

150. On information and belief, the Tray Retrofit Device comprises an intumescent material. For example, the Product Data Sheet states, “The EZ Path® Cable Tray Retrofit Device consists of a heavy gauge galvanized steel housing containing intumescent materials that expand rapidly when exposed to fire or high temperatures to close off the void area.” *Id.*

151. Further, the second step of the three-step installation depicted in the video at <https://youtu.be/Q8GWNhw-yrM> (last accessed on September 15, 2022) at 0:42 states, “Insert intumescent foam center piece.”

152. On information and belief, the Tray Retrofit Device comprises a modular frame comprising a plurality of parts, as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-cable-tray-retrofit-device> (last accessed on September 15, 2022):

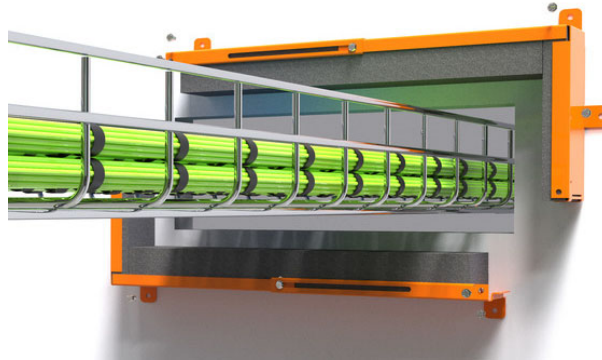


Exhibit 20.

153. On information and belief, in the Tray Retrofit Device, the modular frame has an interior space which comprises the intumescent material. For example, the Product Data Sheet states, “The EZ Path® Cable Tray Retrofit Device consists of a heavy gauge galvanized steel housing containing intumescent materials that expand rapidly when exposed to fire or high temperatures to close off the void area.” Exhibit 19. This is also evidenced in the below image taken from the Installation Instructions for the EZ-Path® Cable Tray Retrofit Device:

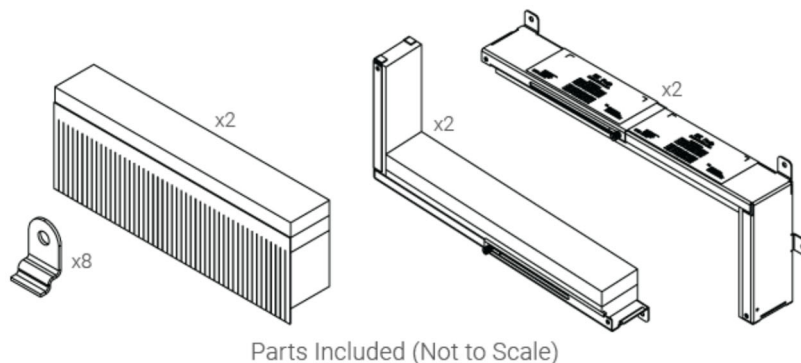
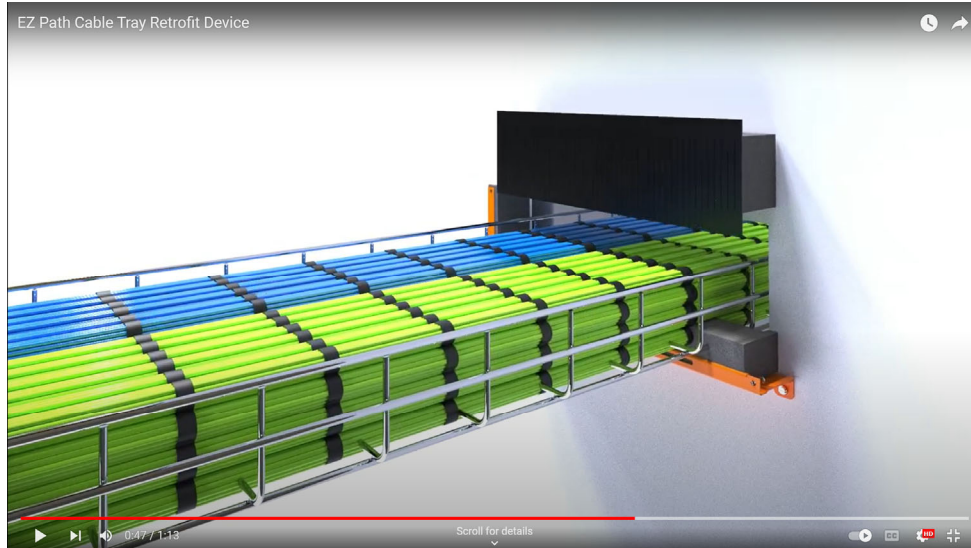


Exhibit 21.

154. Further, on information and belief, in the Tray Retrofit Device, the modular frame has an interior space which comprises the intumescent material as depicted in the video at <https://youtu.be/Q8GWNhw-yrM> (last accessed on September 15, 2022) at 0:45-0:56, including at 0:47 as shown in the below image:



155. On information and belief, in the Tray Retrofit Device, the plurality of frame parts of the modular frame are removably coupled to one another, as depicted in the Installation Instructions at, for example, steps 1 and 4:

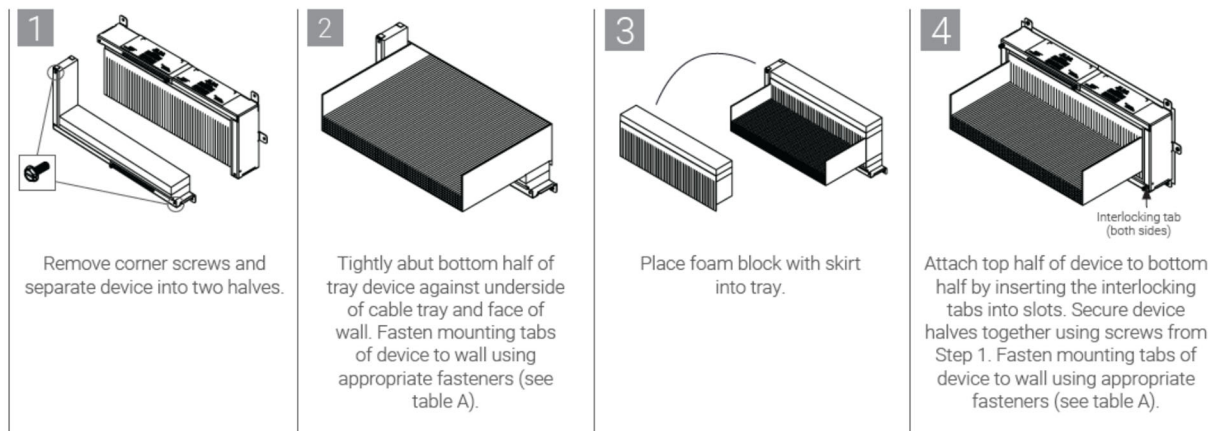
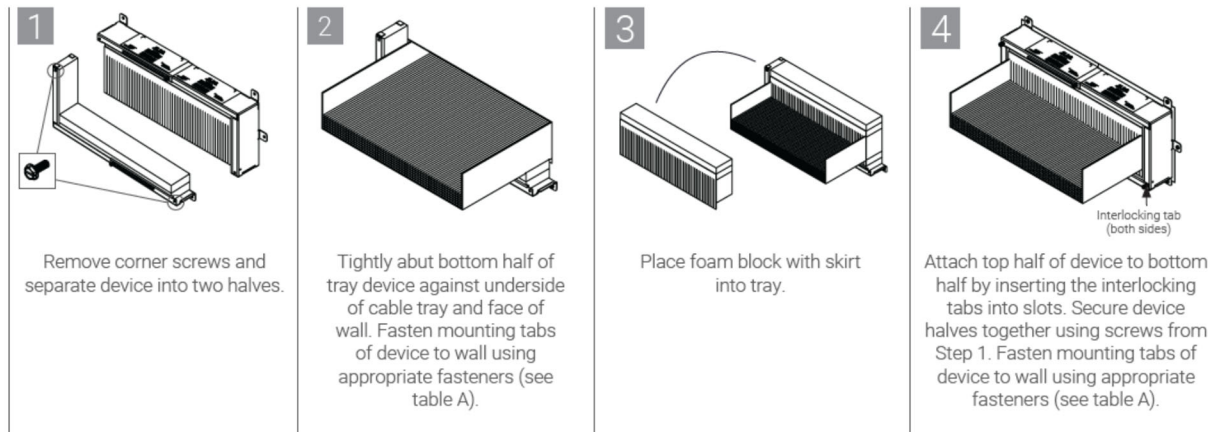


Exhibit 21.

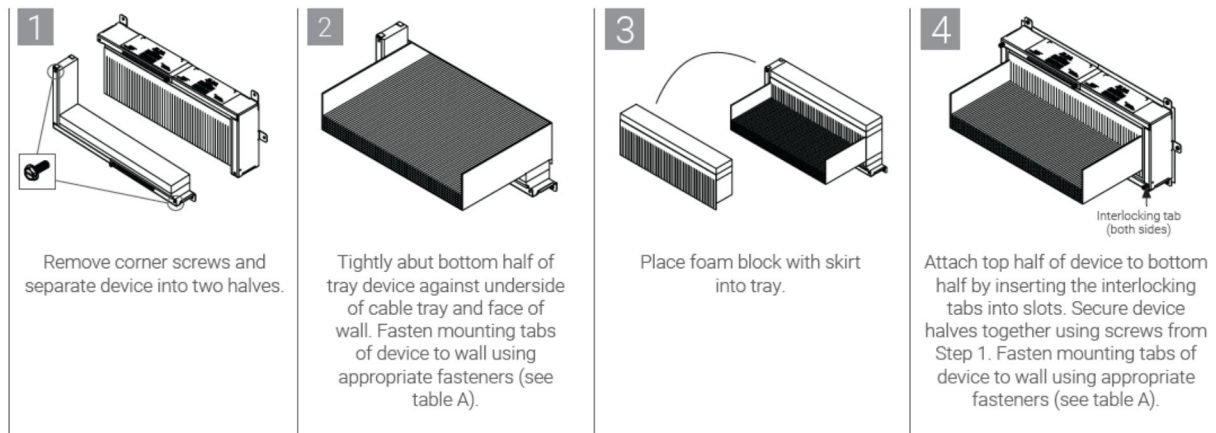
156. On information and belief, in the Tray Retrofit Device, the removable coupling [of the modular frame parts is] to allow the plurality of frame parts to detach and reattach to one another, as depicted in the Installation Instructions at, for example, steps 1 and 4:



Id.

157. The Installation Instructions specifically instruct the user to “[r]emove corner screws and separate device into two halves,” and “[a]ttach top half of device to bottom half by inserting the interlocking tabs into slots. Secure device halves together using screws from Step 1.” *Id.*

158. On information and belief, in the Tray Retrofit Device, the intumescent material has a rectangular structure with side edges. The below image taken from the Installation Instructions depicts that the intumescent material has a rectangular structure with side edges when the top and bottom halves are attached:



Id.

159. On information and belief, in the Tray Retrofit Device, the intumescent material comprises an opening to receive a pipe, cable, or other line passing through the modular frame, the opening located between the side edges of the rectangular structure of the intumescent material, as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-cable-tray-retrofit-device> (last accessed on September 15, 2022):

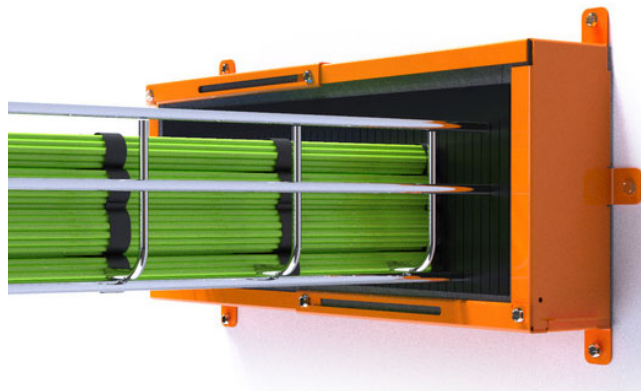


Exhibit 20.

160. The full extent of Defendant's infringement is not presently known to Hilti. Hilti makes this preliminary identification of infringing products and infringed claims in Count Eight without the benefit of discovery or claim construction in this action, and expressly reserves the

right to augment, supplement, and revise its identifications based on additional information obtained through discovery or otherwise.

161. Hilti has suffered damages, including specifically lost profits, as a result of Defendant's infringement of the '399 Patent in an amount to be determined at trial.

162. Defendant's infringement of the '399 Patent is causing irreparable harm for which Hilti has no adequate remedy at law unless Defendant is enjoined by this Court. Under 35 U.S.C. § 283, Hilti is entitled to a permanent injunction against further infringement of the '399 Patent.

COUNT NINE

INFRINGEMENT OF U.S. PATENT NO. 10,610,711

163. Hilti incorporates by reference the allegations in paragraphs 1-18 as if fully set forth herein.

164. On information and belief, Defendant has infringed claims of the '711 Patent, including at least claim 1, in violation of 35 U.S.C. § 271(a) by manufacturing, using, offering to sell, selling, and/or importing infringing products.

165. Claim 1 of the '711 Patent recites:

1. A firestop collar, comprising:

a frame, and

an intumescent material disposed in said frame,

wherein the frame comprises a plurality of individually separate frame parts that are joined end-to-end to form a modular construction, a first frame part of the plurality of individually separate frame parts removably joined to a second frame part of the plurality of individually separate frame parts to allow the first frame part and the second frame part to be separated from one another after installation,

wherein said firestop collar is suitable for sealing of a first opening that passes through a wall or ceiling, and

wherein the intumescent material in the frame comprises a planar front surface and a planar back surface and a second opening, the second opening passing through the planar front surface and the planar back surface in a transverse direction, the second opening to receive a pipe, cable, or other line passing through the frame and the first opening of the wall or ceiling.

166. On information and belief, Defendant has directly infringed claim 1 of the '711 Patent by making, using, offering to sell, selling, and/or importing the Tray Retrofit Device.

167. On information and belief, the Tray Retrofit Device is a firestop collar, as described on the product web page: “The EZ Path Cable Tray Retrofit Device quickly and easily remediates existing cable trays of up to 100% visual fill restoring fire performance without the need for additional firestop products. Its two-part design installs around non-compliant cable tray penetrations, restoring fire and smoke leakage performance.” See Exhibit 20, retrieved from <https://www.stifirestop.com/products/ez-path-cable-tray-retrofit-device> (last accessed on September 15, 2022).

168. Front and back views of the Tray Retrofit Device are shown in the below image taken from the Product Data Sheet:

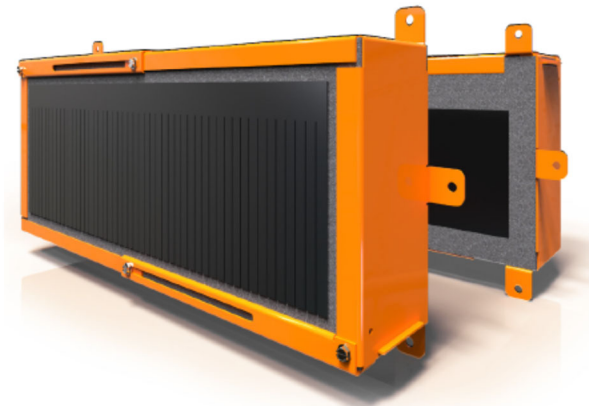


Exhibit 19.

169. On information and belief, the Tray Retrofit Device comprises a frame, as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-cable-tray-retrofit-device> (last accessed on September 15, 2022):

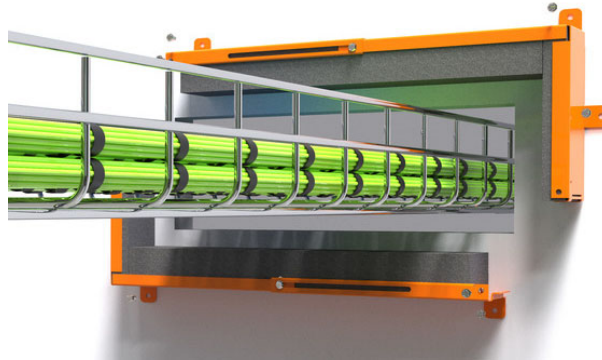


Exhibit 20.

170. On information and belief, the Tray Retrofit Device comprises an intumescent material disposed in the frame. For example, the Product Data Sheet states, “The EZ Path® Cable Tray Retrofit Device consists of a heavy gauge galvanized steel housing containing intumescent materials that expand rapidly when exposed to fire or high temperatures to close off the void area.” Exhibit 19.

171. Further, the second step of the three-step installation depicted in the video at <https://youtu.be/Q8GWNhw-yrM> (last accessed on September 15, 2022) at 0:42 states, “Insert intumescent foam center piece.”

172. On information and belief, in the Tray Retrofit Device, the modular frame has an interior space which comprises the intumescent material. For example, the Product Data Sheet states, “The EZ Path® Cable Tray Retrofit Device consists of a heavy gauge galvanized steel housing containing intumescent materials that expand rapidly when exposed to fire or high

temperatures to close off the void area.” *Id.* This is also evidenced in the below image taken from the Installation Instructions for the EZ-Path® Cable Tray Retrofit Device:

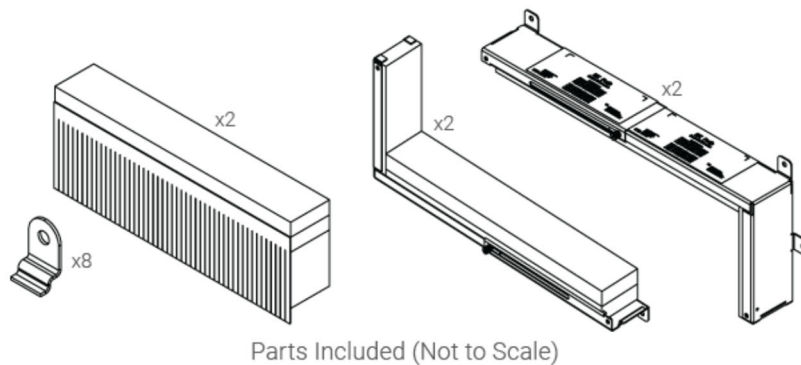
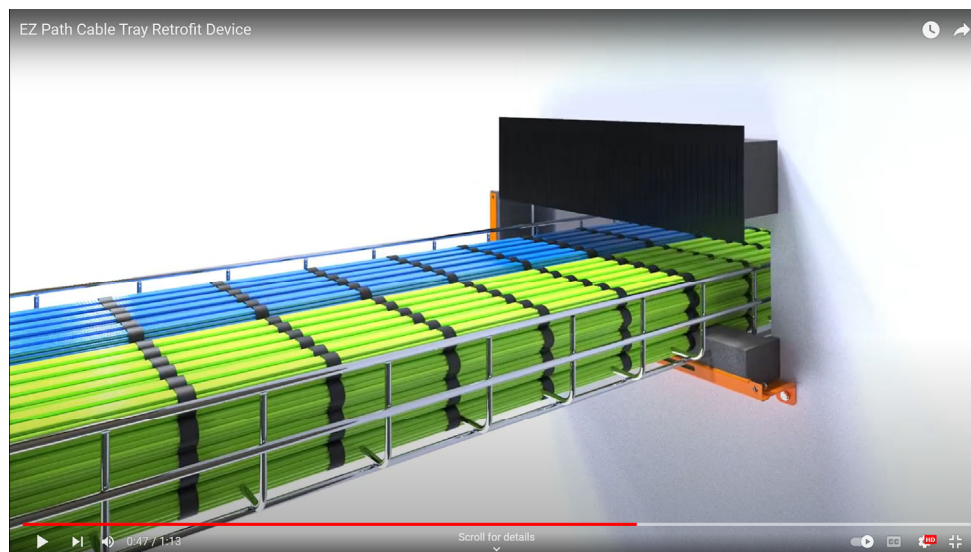


Exhibit 21.

173. Further, on information and belief, in the Tray Retrofit Device, the modular frame has an interior space which comprises the intumescent material as depicted in the video at <https://youtu.be/Q8GWNhw-yrM> (last accessed on September 15, 2022) at 0:45-0:56, including at 0:47 as shown in the below image:



174. On information and belief, in the Tray Retrofit Device, the frame comprises a plurality of individually separate frame parts that are joined end-to-end to form a modular construction, a first frame part of the plurality of individually separate frame parts removably

joined to a second frame part of the plurality of individually separate frame parts to allow the first frame part and the second frame part to be separated from one another after installation, as depicted in the Installation Instructions at, for example, steps 1 and 4:

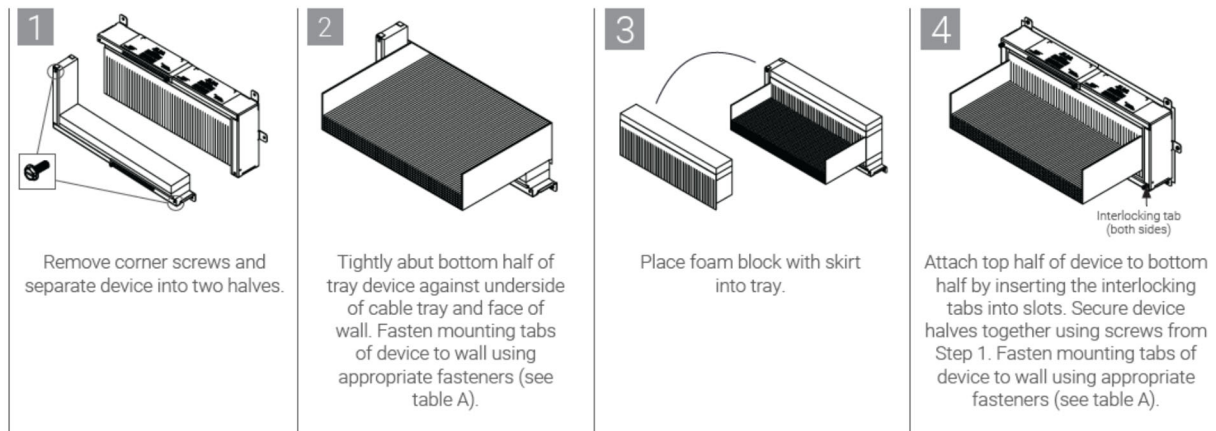
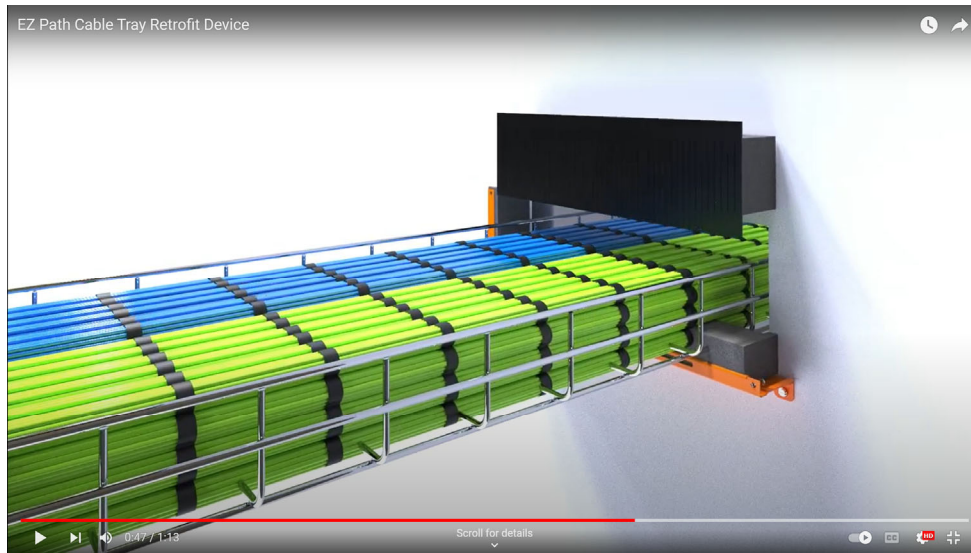


Exhibit 21.

175. The Installation Instructions specifically instruct the user to “[r]emove corner screws and separate device into two halves,” and “[a]ttach top half of device to bottom half by inserting the interlocking tabs into slots. Secure device halves together using screws from Step 1.” *Id.*

176. On information and belief, in the Tray Retrofit Device, the firestop collar is suitable for sealing of a first opening that passes through a wall or ceiling, as depicted in the video at <https://youtu.be/Q8GWNhw-yrM> (last accessed on September 15, 2022) at 0:45-0:56, including at 0:47 as shown in the below image:



177. On information and belief, in the Tray Retrofit Device, the intumescent material in the frame comprises a planar front surface and a planar back surface and a second opening, the second opening passing through the planar front surface and the planar back surface in a transverse direction, the second opening to receive a pipe, cable, or other line passing through the frame and the first opening of the wall or ceiling, as depicted in the below image taken from <https://www.stifirestop.com/products/ez-path-cable-tray-retrofit-device> (last accessed on September 15, 2022):

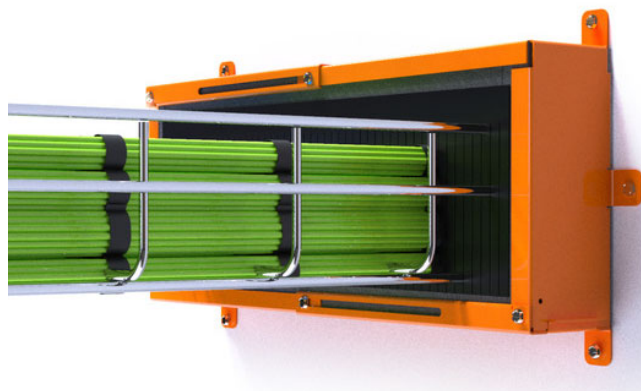


Exhibit 20.

178. The full extent of Defendant's infringement is not presently known to Hilti. Hilti makes this preliminary identification of infringing products and infringed claims in Count Nine

without the benefit of discovery or claim construction in this action, and expressly reserves the right to augment, supplement, and revise its identifications based on additional information obtained through discovery or otherwise.

179. Hilti has suffered damages, including specifically lost profits, as a result of Defendant's infringement of the '711 Patent in an amount to be determined at trial.

180. Defendant's infringement of the '711 Patent is causing irreparable harm for which Hilti has no adequate remedy at law unless Defendant is enjoined by this Court. Under 35 U.S.C. § 283, Hilti is entitled to a permanent injunction against further infringement of the '711 Patent.

PRAYER FOR RELIEF

WHEREFORE, Hilti prays for the following judgments and relief:

- (a) A judgment that Defendant has infringed and is infringing the Patents-in-Suit;
- (b) A permanent injunction against Defendant and its affiliates, subsidiaries, assigns, employees, agents or anyone acting in privity or concert from infringing the Patents-in-Suit, including enjoining the making, offering to sell, selling, using, or importing into the United States products claimed in any of the claims of the Patents-in-Suit; using or performing methods claimed in any of the claims of the Patents-in-Suit; inducing others to use and perform methods that infringe any claim of the Patents-in-Suit; or contributing to others using and performing methods that infringe any claim of the Patents-in-Suit, until the expiration of the Patents-in-Suit;
- (c) An award of damages adequate to compensate Hilti for Defendant's patent infringement, and an accounting to adequately compensate Hilti for the infringement, including, but not limited to, lost profits and/or a reasonable royalty;

(d) An award of pre-judgment and post-judgment interest at the maximum rate allowed by law;

(e) An order finding that this is an exceptional case and awarding Hilti its costs, expenses, disbursements, and reasonable attorneys' fees related to Defendant's patent infringement under 35 U.S.C. § 285 and all other applicable statutes, rules and common law; and

(f) Such other further relief, in law or equity, as this Court deems just and proper.

JURY TRIAL

In accordance with Rule 38 of the Federal Rules of Civil Procedure, Hilti hereby demands a jury trial on all issues triable before a jury.

Dated: September 22, 2022

Of Counsel:

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